

1 UNITED STATES DEPARTMENT OF TRANSPORTATION  
2 PUBLIC HEARING

3  
4 - - - - - 4566-2002-14069 - 34

5 In re: :  
6 Maritime Security Notice :  
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8 - - - - - :  
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11 Transcript of proceedings before the Department of  
12 Transportation, Coast Guard, taken at the Sheraton  
13 Cleveland City Center, 777 Saint Clair Avenue, Cleveland,  
14 Ohio, on Thursday, January 30, 2003, commencing at  
15 2:00 p.m.  
16  
17

18 APPEARANCES:

19 Admiral L. Hereth, U.S. Coast Guard  
20 Kevin Krick, U.S. Maritime Administration  
21 Steve Rybicki, Transportation Security Administration  
22 Commander Susan Engelbert, U.S. Coast Guard  
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24  
25

1                   COMMANDER ENGELBERT:                   As the Admiral  
2                   said, there are five major subject areas. Again  
3                   I'll repeat that we're going to Appendix A of the  
4                   Notice. We're going to cover the first chunk,  
5                   which is questions 1 through 7. Then we will go on  
6                   from there.

7                   The meeting format will follow a very brief  
8                   discussion that I will do to show you and to  
9                   outline to you the questions that we're going to  
10                  discuss, then I will ask you for your comments.

11                  At that time what I would like you to do is  
12                  go to the microphone. If you need to form a line,  
13                  that would be fine, or you will be able to see  
14                  after a while when the person is just about ready  
15                  to finish up with the microphone. When you go to  
16                  the microphone, please say your name, the company  
17                  or organization that you represent. If you have a  
18                  business card, please deposit it in the box.

19                  I would like to say we're going to have a  
20                  raffle later but we're not. The reason for the  
21                  business card is so that the transcript reflects  
22                  your proper name with your spelling and your  
23                  company, because sometimes it very hard to get your  
24                  names spelled correctly when you're listening.

25                  If you have written statements, I ask you

1 to please summarize those written statements. The  
2 docket will be open until the 28th of February, you  
3 are certainly welcome to submit your statement in  
4 writing. We will give you more information on how  
5 to submit it to the docket also in the Notice.  
6 Please briefly summarize your topic.

7 As the Admiral mentioned, we have a special  
8 docket for those things you believe to be  
9 privileged information or security sensitive  
10 information. The information that typically  
11 somebody will tell us needs to be sensitive is if  
12 you have cost information. You implemented a  
13 security program at your facility, it costs X, Y Z,  
14 you believe that to be proprietary, that is the  
15 type of information that we suggest that you use  
16 the special docket for. It is not subject to FOIA,  
17 therefore we can use the information you submit to  
18 assist us with making sure our estimates on cost  
19 are realistic, and that our information is current,  
20 yet you will be able to be assured that your  
21 information is not in the public domain.

22 I'm going to ask you to limit your remarks  
23 to the subject that we're talking about. I will  
24 put a slide up in summary of the questions that  
25 we're talking about, ask you to limit your remarks

1 to those subjects. Obviously you can come to the  
2 mike as much as you want.

3 The reason we ask you to talk about things  
4 in a prescriptive way is because this is a  
5 transcript that we need to have segmented because  
6 we have several teams working at the same time that  
7 need the information. It's just a logistical  
8 thing. We appreciate your assistance in helping us  
9 with this.

10 If a speaker comes to the microphone, gives  
11 an opinion that you agree with, it would be helpful  
12 to us if you say I agree with the gentleman from X,  
13 Y, Z, therefore I don't need to say anything, he  
14 covered all my points. That would assist us in  
15 keeping the meeting moving long. I assure you 40  
16 questions is a lot to go through.

17 Yes, sir.

18 MR. PINCE: Before we get started,  
19 are these listed in order someplace in this docket?

20 COMMANDER ENGELBERT: Yes, the format  
21 will be followed in Appendix A. I think that is  
22 about three or four pages in, look to the bottom  
23 right corner. We will be going right by questions  
24 and the first questions is number one.

25 I am going to back up for a minute, let you

1 get a chance to go to that page. 79745, page  
2 79745.

3 One other thing, just to let you know, I'm  
4 timing your comments, you will have three minutes  
5 at the microphone. This is because there is so  
6 many of you here today, we want to hear all your  
7 comments. So you know, at the end we will open it  
8 for longer comments. You are going to have three  
9 minutes. At the one minute mark I will card you so  
10 to speak with the yellow card, which should  
11 indicate to you to start summing up. If you see  
12 this, I'm requesting you to please conclude your  
13 comments. If you do not see this, I will remind  
14 you. Let's start.

15 The first topic is General Security  
16 Provisions.

17 Question 1 talks about obligations of  
18 contracting government. As the Notice explains,  
19 the Coast Guard intends to mandate three security  
20 levels. It also intends to establish communication  
21 procedures, communicate to the maritime public what  
22 MARSEC level we are in at any one given time. We  
23 intend to do that by using simple things such as  
24 broadcast notice to the mariners.

25 We talk about, in question number one,

1 providing points of contact for the public in case  
2 there is a security concern and you need to contact  
3 somebody. We suggested a 1-800 number for that  
4 purpose.

5 We then ask you if those communications  
6 procedures would be appropriate for you as a port  
7 representative, a vessel representative, a facility  
8 representative.

9 Topic 2 under General Security talks about  
10 the International Code, the ISPS Code. Allowing it  
11 to recognize security organizations. It also  
12 mentions that the Coast Guard does not intend to  
13 delegate its authority to RSOs at this time. It  
14 further explains that we may delegate this in the  
15 future. Asks you if the Coast Guard should  
16 delegate its authority, or if there are additional  
17 qualifications and competencies that you believe an  
18 RSO should have.

19 Question 3 talks about other  
20 organizations. Other organizations are not RSOs,  
21 but may be organizations that approach you as a  
22 business, to provide you services such as writing a  
23 vessel plan or writing a facility plan. Currently  
24 these organizations do not have standards. There  
25 are, of course, standards in RSOs in Part B of the

1 ISPS Code.

2 The Coast Guard asks if there should be  
3 professional standards for this type of  
4 organization. Should the Coast Guard vet these  
5 organizations to assist you, or do you have  
6 alternative standards that you believe should be  
7 associated with security related organizations that  
8 wish to help you with your plans.

9 The fourth question deals with  
10 Alternatives and Equivalencies. Similar to SOLAS  
11 and the safety regime, there are alternatives and  
12 equivalencies provided in the ISPS Code. Those  
13 equivalencies talk to making sure that at the end  
14 of the day you meet the same level of security you  
15 would if you followed the code. The Coast Guard in  
16 its Notice states that it intends to use a  
17 submission format similar to that used in 46 CFR  
18 Part 30, or 46 CFR Part 70, which is the submission  
19 format for equivalencies under safety.

20 We ask you if this alternative or  
21 equivalency procedure would be used, if the  
22 submission process that we suggest is appropriate.

23 Question 5, as the Admiral spoke about  
24 earlier, there is the ability for the Coast Guard  
25 to accept industry standards for non SOLAS vessels.

1 Vessels on a domestic voyage could use an industry  
2 standard. In our Notice we discuss that we are  
3 considering these standards would be nationwide,  
4 potentially have third party audit requirements.

5 We ask you if you know of any industry  
6 standards that may be considered equivalent, or if  
7 there was an industry standard, would you use it.

8 Question 6 talks about the Declaration of  
9 Security. The international requirements mandate  
10 that each contracting government provide national  
11 standards for declarations of security, when they  
12 are required, who would have to complete them.

13 The U.S. Coast Guard proposes that national  
14 requirements for DoS be laid out in a rule making,  
15 and that also local requirements for declarations  
16 of security would be mandated depending on the  
17 result of the port security plan.

18 We intend to provide this guidance on how  
19 to do a DoS in either guide stock such as a NVIC,  
20 or regulations.

21 We ask you what operations or when do you  
22 believe a Declaration of Security would be  
23 appropriate We also ask you what format would you  
24 like to see the guidance, either in guidance form  
25 or regulation.



1                   Question 7 under the General Provisions  
2                   talks about Security of Information. Both the  
3                   Maritime Security Act and the ISPS Code require  
4                   that information on security be protected from  
5                   unauthorized access and disclosure. The Coast  
6                   Guard intends to designate security plans as  
7                   security sensitive information, similar to the  
8                   security sensitive information status that airlines  
9                   have. Yet the Coast Guard needs to verify and  
10                  approve these plans.

11                  We're asking you if the SSI classification  
12                  is sufficient. We are asking you if there are  
13                  alternative ways to protect this information that  
14                  you would recommend.

15                  In summary, the seven questions on pages  
16                  79745 to 79446 cover these general positions:  
17                  Communication, RSOs, other types of organizations,  
18                  alternative industry standards, DoS's and security  
19                  of information.

20                  I'm now going to ask the floor be open to  
21                  anyone wishing to comment on any of these subjects  
22                  to please approach the mike.

23                  MR. HARKINS:            I'm Rick Harkins,  
24                  Vice-President of Operations for Lake Carriers.  
25                  For the record, Lake Carriers represents non-SOLAS

1 vessels on the Great Lakes, U.S. flagged. We're  
2 not international voyages, although there are a few  
3 cargoes that go into and out of Canada and the U.S.

4 We have 60 bulk dry cargo ships and two  
5 tank ships in our membership. The 60 ships all  
6 carry iron ore, coal, stone, cement and salt. LCA  
7 will follow up on the docket with written comments.

8 Question 1 about communications to MARSEC  
9 levels, we have three questions. One is at this  
10 particular time of year all our vessels are laid  
11 up. Nobody is in operation. Most of them have  
12 ship keepers or people working on them right now.  
13 Communication with a laid up ship, is that  
14 necessary by the Coast Guard or in these  
15 procedures?

16 Question 2, is AIS a potential means of  
17 communication to MARSEC levels when it comes into  
18 effect?

19 Question 3, how does the Coast Guard  
20 propose to notify the company security officers of  
21 a change in MARSEC level?

22 Are you going to respond to these questions  
23 or just taking the questions?

24 COMMANDER ENGELBERT: There will be a  
25 response at the end of the group of questions.

1 MR. HARKINS: I'll proceed with 2.  
2 Authorizing and recognizing the security  
3 organization. We do not believe that that should  
4 be authorized. Should be delegated by the Coast  
5 Guard. We will ask that it is the class societies  
6 possibly some day may look at these plans as well.

7 Question 4, procedure for accepting  
8 alternatives. The Lake Carriers and the Canadian  
9 ship owners have a procedure in place now. Right  
10 after 9-11 we put together Great Lakes procedures  
11 that are shared by all Great Lakes ships. We  
12 anticipate providing an industry standard to the  
13 Coast Guard. We would like to have these  
14 submissions recommend that the District approve  
15 Great Lakes security plans.

16 Number 6, declarations of security, during  
17 fueling operations and hazardous cargo transfers  
18 under MARSEC 2 and 3 is what we would recommend.  
19 Thank you.

20 MR. PURINTON: Richard Purinton,  
21 Washington Island Ferry Line. We run five small  
22 passenger vessels. I'm also a director and past  
23 president for the Passenger Vessel Association.  
24 Can you hear me all right?

25 We have five small passenger vessels,

1 Washington Island Ferry Line, Washington Island,  
2 Wisconsin. I'm the president and also owner, also  
3 an operator. I'm also director and the past  
4 president for the Passenger Vessel Association.  
5 Our company is probably typical of another two  
6 dozen small passenger ferry companies in the Great  
7 Lakes. There are many other small passenger  
8 excursion companies which are very similar to ours  
9 as well.

10 To the first question, we believe that the  
11 various levels of communication of the levels could  
12 be direct to the company. In most cases it would  
13 be to myself, to our office. We have one office.  
14 We have approximately 20 people in the entire  
15 marine department.

16 We believe a phone call would suffice.  
17 Notice of mariners doesn't have much meaning with  
18 us I'm afraid. We look to the captain of the port,  
19 or to the local MSD for that direct communication.

20 Question number 2, we see no advantage in  
21 passing along security related duties to an RSO.  
22 We prefer that remain with the Coast Guard.

23 As far as question number 3 is concerned,  
24 we rely on the Coast Guard, along with local and  
25 state law enforcement agencies to support what it

1 is we do. We certainly look to the Coast Guard as  
2 the lead agency. We've had units of federal, state  
3 and local, should assimilate one another's plans.  
4 I think that is pretty well carried out in the  
5 Marine Security Act.

6 Question number 4, alternatives and  
7 equivalencies, I think this is probably for a small  
8 passenger vehicles the heart and soul of the Act.  
9 If we're not able to come up with some  
10 alternatives, I think we're going to be in deep,  
11 deep water. We're not deep draft vessels.

12 IMO or ISPS agreements, we're happy to see  
13 that there is a very serious stand taken by the  
14 government to protect our waterways. But, for  
15 those of us who are inland, on the Great Lakes, who  
16 operate small passenger vessels, there is a vast  
17 world of difference between our style of operation,  
18 our type of vessels, and the people that we serve.

19 As far as equivalencies, I'm not fully  
20 familiar with the codes that were cited. I think  
21 that they may be so rigorous that it might not be  
22 of much use to small passenger vessels. Certainly  
23 would like to explore, expand the idea of  
24 alternatives. We look for consideration from the  
25 captain of the port, from the marine inspection

1 offices closest to us who know our operations, our  
2 communities, and our vessels the best, so that the  
3 security plan, security assessments can be tailored  
4 to our operations.

5 Question number 5, procedures for accepting  
6 industry standards. We do have a PVA security  
7 guide which we've worked on. We see that as at  
8 least a good starting point toward a security  
9 standard. I know we have worked with the Coast  
10 Guard on this. Had them review it. We would  
11 certainly take good notice and good heed of a guide  
12 developed by people within our own industry.

13 MR. LANTEIGNE: Good afternoon. My  
14 name is Rejean Lanteigne. I am the Vice-President  
15 of the Canadian Shipowners Association, the  
16 organization that Mr. Harkins referred to earlier.  
17 I have a few questions. Namely three questions.

18 The docket speaks about IMO SOLAS  
19 convention ship, nonconvention ship which are  
20 domestic U.S. flag. The fleet Lake Carriers  
21 represents, the fleet the gentleman just spoke  
22 represents, but we happen to have a similar fleet.  
23 We are probably the only country in the world, non  
24 U.S. flag country, to have a non-SOLAS domestic  
25 fleet which happens to trade in U.S. ports

1           extensively.

2           My question to you is, how are you going to  
3           treat us? I'm not seeking an answer. We are in  
4           the same trade as the U.S. Great Lakes domestic  
5           fleet. We operate on the same parameters, but  
6           non-SOLAS. It's quite a significant question. I  
7           understand that. It's a rather important question  
8           so we can fix on which way we're supposed to go  
9           with compliance.

10           Recognizing that at the end of the day we  
11           are going to have to deal with our own maritime  
12           situation, transport here. Since we trade  
13           extensively to the U.S. on non-SOLAS flag ships,  
14           there is a need to comply with whatever you arrive  
15           with. It's an important question.

16           My second question is in relation to  
17           alternative equivalencies, and in relation to  
18           security information. Alternative, under the text  
19           which is written in here, if granted by the United  
20           States, will have to be reported to the  
21           organization, has to be reported to IMO.

22           Also under item 7 here notion of protection  
23           of confidential or commercially sensitive  
24           information. Presumably if you have to report,  
25           some means will have to be established to protect

1           that information from the eyes of disorganization  
2           and other governments. I would like to know how you  
3           intend to achieve that. That's it for now. Thank  
4           you.

5                   MISS RUSSELL:           My name is Robin  
6           Trinko-Russell. I am with Madeline Island Ferry.  
7           We operate four passenger ferries on Lake  
8           Superior. Our boats are icebound and we're going  
9           back and forth to the island by wind sled.

10                   I would like to agree with the comments by  
11           Dick Purinton from Washington Island. They operate  
12           a very similar type of ferry operation. They are  
13           on Lake Michigan, we're on Lake Superior.

14                   I would like to continue some of his  
15           remarks to point five, procedures for accepting  
16           industry standards. We're a member of the  
17           Passenger Vessel Association. We look to them as  
18           an equivalent organization to help us with these  
19           security guidelines.

20                   Six, declaration of security, it doesn't  
21           really make sense for us. We're on a half hour  
22           schedule in the summer, going back and forth from  
23           the island. We have a printed schedule. For us to  
24           declare every boat that goes from one port to the  
25           next doesn't really make sense.



1                   Number 7, the security of information  
2                   considered in the plan. We have a small company,  
3                   less than 30 people in the maritime area, so they  
4                   need to know what is going on. The security of the  
5                   plan that is locked up in the file cabinet, nobody  
6                   is going to be familiar with it. Thank you.

7                   MR. EHRINGER:           My name is Richard  
8                   Ehringer. I am from Pittsburgh. I represent the  
9                   Waterways Association of Pittsburgh. I also work  
10                  for a towing company in the area that we operate  
11                  with tow boats.

12                 On the accepting of industry standards, we  
13                 have a lot of concern with that, because we find  
14                 that as we read these standards, they are more  
15                 geared for blue water than they are brown. As we  
16                 go through a lot of these different subjects, we  
17                 find a lot of it is dealing with blue water. It is  
18                 very difficult to take a brown water operation, try  
19                 to incorporate that into there. We in a six hour  
20                 watch stand could actually be in five or six  
21                 different ports in a very short time. We pick up,  
22                 and we drop off in these areas. How do we put a  
23                 time schedule out for this. It's almost impossible  
24                 to do. So on question number five we do have a lot  
25                 of problems with that. We do hope the committee

1 really takes the brown water situation into hand,  
2 sort of tries to develop rules that we can live  
3 with. The blue water are actually very difficult  
4 to incorporate into our type of operation. Thank  
5 you.

6 MR. WEAKLEY: My name is Jim Weakly.  
7 I am the President of Lake Carriers Association. I  
8 would like to make one general comment with regard  
9 to communication procedures. I think it's  
10 absolutely critical that there be a single point  
11 source within the government, with the governmental  
12 agencies providing information. Already we see a  
13 lot of redundancy, providing crew lists four, five  
14 times to different agencies. That is imperative.  
15 I think everybody is in a win/win situation if that  
16 is standardized and the information is shared.

17 With regard to alternative standards, we're  
18 in favor of the alternative standards; however, I  
19 believe they should be based on class of vessel. I  
20 believe they should not be based on the traditional  
21 classes of vessels in traditional lines of  
22 demarcation used by the Coast Guard. I think it  
23 should be purely on a security base that the  
24 classes are determined. In that regard, taken into  
25 consideration should be based on the vessel, type

1 of trade, cargo carried, nationality of the crew  
2 and also flag stay. Thank you.

3 MISS STARRING: My name is Marilyn  
4 Starring. I am with Star of Saugatuck Boat Cruises  
5 out of Saugatuck, Michigan. We are a T vessel,  
6 which carry 150 passengers on the Kalamazoo River  
7 and Lake Michigan. My understanding of these regs  
8 to this point do not apply to us. There is on page  
9 79747, item 14, the last sentence proposes that the  
10 Coast Guard is considering extending them to all  
11 vessels, including small passenger vessels or  
12 uninspected fishing vessels. This may very well  
13 affect us. That is why I'm participating.

14 I concur with the statements that  
15 Mr. Purinton and Miss Trinko-Russell made. The  
16 question I would have, item number 6, during our  
17 peak season, we're extremely busy, we do less than  
18 a 30 minute turn around if we are to report all  
19 the arrivals and departures at the dock and it is  
20 forgotten because there was numerous things to do  
21 to get the vessel ready, what sort of alarm would  
22 this set off, what would happen if we didn't do  
23 this.

24 MISS SIMARD: My name is Sonia  
25 Simard. I am with Fednav International Limited.

1 That is ship owners based in Montreal. We are  
2 basically ocean going vessels. Major player in the  
3 Great Lakes. My question relates to the  
4 communication procedures.

5 First I would like to support the statement  
6 from the Lake Carriers Association as to the  
7 importance of sharing the information and agree on  
8 the point of view that we submit data to one  
9 entity, and if possible the sharing be done. But  
10 from our site communication procedure, we would  
11 like to know how it is going to work from an ocean  
12 going vessel procedure when we're coming in. I  
13 understand the documents that the vessels would  
14 communicate to the captain of the port to ask for  
15 the level of security. We would like to know how  
16 it's going to work if there should be a change of  
17 level of security from the first communication with  
18 the vessel to the time it arrives at the port. Who  
19 will communicate with the vessels, how will those  
20 procedures will be well coordinated to insure that  
21 there is no surprise on the vessel's side.

22 MR. PFEIFFER: Good afternoon, I am  
23 Steve Pfeiffer, the Maritime Director, Port of  
24 Cleveland.

25 I would like to comment on item 2. We

1 would not recommend the use of RSOs.

2 On item 3, that also includes  
3 organizations, other organizations assisting in  
4 writing security plans. I don't see a problem with  
5 that provided that the security plans meet the  
6 requirements that we have to forward.

7 Item 7, security information. Being a  
8 public body we need to have some protection that  
9 this information does not fall under a public  
10 information request that could be generated in  
11 which we would have to forward that.

12 Final comment would be that I would like,  
13 pertaining to all of this, I would like for there  
14 to be a recognition that we do have a unique  
15 situation on the Great Lakes. Lake Carriers is a  
16 unique situation. The Canadian shipping is a  
17 unique situation. The idea that a foreign vessel  
18 would sneak into the Great Lakes through the Saint  
19 Lawrence locks needs to be understood.

20 So, I think overall when you are looking at  
21 the lakes, I know you want to have a standard, a  
22 national standard, but I think there needs to be  
23 some recognition of these unique situations here on  
24 the Great Lakes.

25 MR. ERTEL: My name is Paul Ertel.

1 I am with Jacobs Investments. I am the general  
2 manager of the Nautica Entertainment Complex. Also  
3 manager of the Nautica Queen dinner cruise ship and  
4 I have the privilege of or acknowledge making the  
5 shortest comment this afternoon by saying I want to  
6 acknowledge our esteemed past president of the  
7 Vessel Association. Also Steve Pfeiffer from the  
8 Port Authority on the situation here in the Great  
9 Lakes.

10 MR. LAWRENCE: My name is Jerry  
11 Lawrence. Mercury Cruiselines in Chicago. To  
12 comment please on number one. Thanks to everybody  
13 else, especially I was sort of giggling at the  
14 brown water.

15 The idea of industry standards for which  
16 part of the industry -- we've got one K, three T's,  
17 will that apply to a tug? What assessment?

18 My question though is that we're vessels  
19 that are basically in a closed loop. We start from  
20 the same dock, we end at the same dock. Why are we  
21 operating at a higher level than the subway trains  
22 that we go over on the water. The passenger trains  
23 that operate right next to us on the water, or next  
24 to the water rather. The buses, cabs and national  
25 bus lines that go on the bridge above us. Yet

1 we're stuck with 3. They and the restaurants and  
2 passenger conveyances in general have what, four or  
3 five levels, we're at three. Why are we a greater  
4 risk than a cross nation train with people  
5 transferring, the commuter trains in Chicago that  
6 move thousands and thousands of people every day?  
7 I don't understand. That was one of the comments  
8 that I just wanted to make.

9 The declarations of security, just like the  
10 ferries that operate on Lake Superior and up in  
11 Wisconsin, we don't exactly have a published  
12 schedule. We maintain a running log. That log  
13 lists how many people, what time we leave, what  
14 time we arrive. It's the idea of having to do a  
15 DoS every time one of our four vessels departs and  
16 arrives seems redundant, why is not the normal  
17 ship's log adequate for that, available for  
18 inspection. Thank you.

19 COMMANDER ENGELBERT: Thank you for  
20 your comments. I'm going to ask the panel now to  
21 summarize and talk about some of those topics you  
22 brought up. Admiral.

23 ADMIRAL HERETH: We're not going to  
24 respond specifically to each one. It will take all  
25 evening to be here to respond to the questions.

1 First of all, we don't know all the answers to all  
2 of those questions. I appreciate and compliment  
3 everybody for getting up and posing those good  
4 questions.

5 Again, I'm glad we're here in Cleveland to  
6 hear the Great Lakes perspective. We recognize the  
7 uniqueness of this area up here. That is why we  
8 came to Cleveland. We're glad to hear, and we  
9 recognize the uniqueness. The challenge is to take  
10 those questions, turn them into what does security  
11 want to look like on the Great Lakes. We aren't  
12 driven in any particular direction.

13 Let me read the overall arching goal under  
14 the Act is very clear. It says, we shall prevent  
15 transportation security incidents in the United  
16 States. Transportation security incident means a  
17 security incident resulting in a significant loss  
18 of life, significant environmental damage,  
19 significant transportation system disruption, or  
20 significant economic disruption in a particular  
21 area. So, that is the baseline that is the driver  
22 in these regulations.

23 It's not that we're going down any  
24 particular path that is rigid. We're using this as  
25 the driver. We're using a risk based system to



1 analyze the risk that is associated with any  
2 particular category in the transportation system.

3 So I would throw some of these questions  
4 back to you, just as we are to the trade  
5 associations, saying look at your association, look  
6 at your particular segment of the industry, tell us  
7 how we should draft the regulations.

8 For instance, we have a couple of comments  
9 from the passenger vessel operators. We hear you.  
10 Where do we set the line on the lower extent of  
11 passengers for the application of these security  
12 regs? Some people have suggested what might seem  
13 to be very high amounts, some suggested very low  
14 amounts. Our benchmark guidance now draws the line  
15 at 150 passengers. I'll ask my staff to correct me  
16 if I'm wrong on that. 150 passengers some people  
17 market as a fairly significant loss of life. You  
18 can argue the same thing for 50 passengers. You  
19 can argue the same thing for 5 passengers. You  
20 tell us where we should draw that line. Right now  
21 it's drawn at 150 passengers.

22 Let me add that the trade associations who  
23 are willing to cooperate with us, even for those  
24 vessels that are below that threshold where we are  
25 directly regulating you, there might be some

1 guidelines and principles that should be complied  
2 with or should be followed by anybody that operates  
3 in the passenger vessel community. Your passengers  
4 are looking for security. We know that. Many  
5 steps have been taken. Wouldn't it be nice if  
6 there was a consistent approach across the board,  
7 even if you carry 50 people, if you carry 20 people  
8 on a ferry. That is all we're asking for today is  
9 a thoughtful approach to this, so that it does try  
10 to eliminate, reduce the risk that is out there in  
11 the transportation system.

12 Let me make a couple of comments. Again,  
13 some excellent feedback to us. I haven't heard  
14 discussions about the laid up issue. I know that  
15 is a big deal up here, we got that. We will act on  
16 it with the United States Fishery and others up  
17 here to determine a clear policy in that area.

18 The information flow to and from I might  
19 add is a big issue. It needs to be clearly  
20 identified and clearly addressed. We're trying to  
21 do that, but I can tell you this, it's just a  
22 challenging arena to operate in. Any time you are  
23 talking about intelligence or information, that  
24 might be guarded or security sensitive information,  
25 or law enforcement sensitive information, the

1        passing of information into the system so that  
2        people can connect the dots, or out of the system  
3        so we can warn people about threat advisory kinds  
4        of information, is somewhat challenging. There are  
5        lots of people involved, trying to make sure it is  
6        very clear and direct information flow to and from  
7        the operators that are affected. Be they on the  
8        waterfront or be they on vessels of all sizes.

9                Right now the scheme that we have in mind  
10        is anybody that is regulated directly will have to  
11        designate for instance a vessel security officer.  
12        If you are shore side on a terminal, you will have  
13        to designate a facility security officer. The  
14        companies involved in operating vessels will have  
15        to designate a company security officer.

16                We see a couple of points where names will  
17        be specifically identified that are focused on  
18        security. We think those are the connection points  
19        to get the information and to feed the information  
20        to the system and receive information about threat  
21        levels from the system.

22                We think that can be done similar to the  
23        quick response network that presently exists around  
24        the country. We have a network of qualified  
25        individuals that are on call in some way, shape or

1 form 7 by 24. We see the security officers playing  
2 a key role in the information flow around the  
3 United States and elsewhere. We think that might  
4 be the most logical way to set that up. Having  
5 that set up in a logical fashion so the Coast Guard  
6 or captain of port can get the information quickly  
7 and pass it to those people is a little bit of a  
8 challenge. A variety of captains of port I would  
9 imagine, I would invite comments from others. They  
10 have bang lists, E-mails, call lists, connection to  
11 agents, connectivity to their perspective port  
12 community.

13 We're try to leverage this whole operation  
14 with current relationships that are already in  
15 place throughout the country for a variety of other  
16 programs. We don't intend to create a vast new  
17 network other than the designation of those  
18 security officers. We see that being a possible  
19 solution in that area. We don't have something on  
20 a piece of paper to hand you today to tell you  
21 exactly how the system is going to operate.

22 Class societies, big presentations from a  
23 number of class societies yesterday. Lots of  
24 people are going to be involved in the security  
25 assessment business, security planning business, so

1           you should have a number of people to call for  
2           assistance.

3                   I did take that comment about plan  
4           approval, looking back there at Captain Helen, I  
5           haven't talked to him or Silva about the plan  
6           approval. I will certainly explore that with them.  
7           We're still in the process of deciding how the plan  
8           approval networks are going to be set up in the  
9           United States.

10                   As you recall in the pollution world vessel  
11           response plans are all reviewed back at a central  
12           location under the contract Coast Guard  
13           headquarters has back in DC. We can do something  
14           like that similar for vessel plans. Or if the  
15           Great Lakes is so specific and the Ninth District  
16           is willing to do something like that, we can set  
17           the contract up to accommodate that. Again, good  
18           questions, good comments.

19                   Canadian small passenger vessels coming to  
20           the United States, non SOLAS in nature, we've got  
21           that, we will work on it. We want to make it very  
22           clear and straightforward that we're trying to  
23           improve security in the United States.

24                   Just as the international code requires us  
25           to accept this as a sound basis, when the country

1        says they are complying with Part A and Part B of  
2        the code, we are expected to assume that they are  
3        in compliance. Our intention is to operate in that  
4        capacity and conduct a normal course program. Just  
5        as on the SOLAS vessels we accept a country's word,  
6        we clearly can accept Canadian word that their  
7        vessels are in compliance with the security  
8        agreements between the United States and Canada.  
9        I'm sure we can work the details of that out. As  
10       far as some level of understanding, I'm sure that  
11       can be put it in place very easily. I say that  
12       looking again back at Captain Helen.

13                A couple other comments. Towing industry,  
14       one of the gentleman said tough to convert deep  
15       water standards to the towing industry. We  
16       recognize that. That is why we are very heavily  
17       engaged in discussion with the American waterways  
18       operators, industry associations that are out  
19       there. We certainly invite your comments to tell  
20       us how to set the standards up so they make sense  
21       to you. We're more focused on delineating --  
22       focusing on the cargoes that could do some serious  
23       damage if they are blown up, or they are released.  
24       We're more focused on toxic materials, gases,  
25       poisons, certainly explosives. Certain categories

1 of cargoes if affected or done something with by  
2 the bad guys could cause a drastic effect, relating  
3 back to the transportation security incident.  
4 We're not going to wrangle with the innocuous  
5 cargoes, green barges.

6 The gentleman from the Port of Cleveland  
7 brought up an interesting issue that came up in New  
8 Orleans too. The Open Records Act of many states  
9 requests that you share information with the public  
10 at the federal level as well as the Freedom of  
11 Information Act.

12 The Marine Transportation Security Act  
13 enforces protections for security related  
14 information. We intend to protect the assessments  
15 and plans and other security required information  
16 related to information under that Act federally.  
17 We have good counsel looking to see the  
18 implications of whether the federal act trumps the  
19 state acts, which at first blush we believe it  
20 does. There are all sorts of unusual things that  
21 will come up as you try to deal with that.

22 A gentleman in New Orleans brought up the  
23 other day the open bidding process that is required  
24 in most states, state laws. How will that  
25 information be protected as security related to

1 information or equipment you are purchasing, you  
2 don't want the bad guy to see what you are buying.  
3 Counsel is looking at that. We're going to try to  
4 develop a fact sheet that covers that issue,  
5 answers those questions. Federal law versus the  
6 state law, versus the acquisition procedures that  
7 apply to most of the purchases around the country.  
8 I'll turn the mike over.

9 MR. KRICK: Thank you, Admiral.  
10 Just to briefly echo the Admiral's comments, one of  
11 the themes I heard throughout this round is the  
12 fact that there are a lot of different types of  
13 operations out there. The passenger vessels, the  
14 closed loop system, starting and ending at the same  
15 dock. Brown water operations, as compared to blue  
16 water operations. All of those comments, we are  
17 pleased to receive those.

18 I want to say I encourage anyone that has a  
19 specific operation that you feel is unique in some  
20 aspect, to send your comments in. The goal here is  
21 to develop security, and we want to develop  
22 security that works for the entire marine industry  
23 across the board. We need this information. We  
24 appreciate you coming out here today to provide  
25 that to us. Thanks.



1                   MR. RYBICKI:           A couple of comments  
2                   from TSA's prospective. There was a comment made  
3                   about why do you have to have a maritime different  
4                   standard than buses and trains. I'll tell you from  
5                   the TSA perspective as a national transportation  
6                   security manager, we are looking also at those  
7                   other modes. We've looked at aviation and you are  
8                   well aware of what happened on the aviation side.

9                   We're currently working on the maritime  
10                  side. There are some other things that work into  
11                  the maritime side. On dock rail, trucks entering a  
12                  port. We're looking at those from cargo carrying  
13                  capacity. We're also addressing from the TSA  
14                  maritime and land risk based management with  
15                  performance based standards across all modes.

16                 We will be looking at, we are looking at  
17                 the buses, the over the road buses. We will talk  
18                 about it probably in the next session, some grant  
19                 money that we have that we're managing and funding.

20                 We're also looking at the other modes, the  
21                 trains, the light rail, the Amtrak, anything that  
22                 carries passengers. Anything that carries baggage  
23                 or cargo. We're not sacrificing one mode of  
24                 transportation over another. We're trying to raise  
25                 the bar, keep it high. But yet, realistic without

1 driving businesses out of business. We're taking  
2 the approach in consultation with a number of the  
3 trade associations, be it PBA or AWO or APTA, there  
4 are a number of them we've engaged with, it's our  
5 commitment at TSA to remain engaged.

6 COMMANDER ENGELBERT: Thank you.  
7 This concludes the General Security Provision.  
8 We're going to talk about 8 through 11 next, the  
9 port questions. Before that I'm going to give you  
10 a 10 minute break. Please, we're going to resume  
11 at 20 to 4:00.

12 (Recess taken.)

13 COMMANDER ENGELBERT: Right now we're  
14 going to be talking about Port Security Provisions,  
15 questions 8 through 11 in Appendix A.

16 First question we asked you in the Notice  
17 had to deal with port security plans and  
18 committees. The Coast Guard intends to issue  
19 regulations establishing port security committees.  
20 It also intends to designate the captain of the  
21 port as the port facility security officer, meeting  
22 the requirement of the ISPS code. Further it  
23 intends to issue guidance for port security  
24 committee membership.

25 We're asking you who you believe should be

1 involved in port security committees. How do you  
2 think the Coast Guard should go about insuring  
3 involvement in the critical maritime community that  
4 needs to be involved in these plans.

5 Question 9 talks about port security  
6 assessments. Port security assessments are  
7 required or will be required for each captain of  
8 the port zone. Port security committees are  
9 intended to assist the port security assessment and  
10 then further assist with writing the plans. This  
11 is a similar model to the area contingency plans in  
12 the Oil Pollution Act of 1990.

13 Also it should be noted that the port  
14 security assessment will need to be updated  
15 approximately every five years, to meet ISPS code  
16 requirements.

17 We ask you will the port security  
18 communities be able to provide enough expertise to  
19 be able to develop port security assessment. Does  
20 your port currently have an assessment that you  
21 believe could be used to meet this requirement.

22 Question 10 talks about control of  
23 vessels, facilities and operations. The port  
24 security plan is intended to address areas that may  
25 benefit from waterway restrictions under certain

1 security levels.

2 For example, at maritime security level 2  
3 you may, as a port security committee, believe that  
4 a certain portion of the waterway should have one  
5 way traffic. We're asking you to consider that the  
6 Coast Guard could put regulations on the specific  
7 procedures right in to 33 CFR 165, or in someplace  
8 else in the regulations to sort of predesignate  
9 certain waterway restrictions or closures at  
10 certain maritime security levels.

11 We ask you would predesignating  
12 restrictions assist you, and is there a suggestion  
13 that you have for other ways to control activities,  
14 specifically as we increase maritime security  
15 levels.

16 Question 11 talks to port security  
17 training exercises and drills. The requirement in  
18 the international code is to have annual exercises  
19 of the port plan. It also requires quarterly  
20 drills. The Coast Guard in its Notice talks about  
21 meeting the quarterly drill requirement through  
22 participation in facility drills.

23 It also states that we do not intend at  
24 this time to have formal training requirements for  
25 port personnel.

1                   We ask you would you participate in a port  
2                   exercise, is there a particular type of exercise  
3                   that you find more accessible and more  
4                   preferable. Do you have a port personnel security  
5                   training program you would like to recommend.

6                   Questions 8 through 11, port security  
7                   plans, committees, assessments, controls and  
8                   training and exercises, or other port security  
9                   topics, the floor is open for discussion at this  
10                  time.

11                  MR. BORGSTROM:           Michael Borgstrom,  
12                  Wendella Boats, Chicago. A couple of comments  
13                  actually, not necessarily answers to the questions.

14                  Comment on number 10, control of vessels,  
15                  facilities and operations. I don't know that there  
16                  is an answer for this. This is a concern of mine  
17                  in reading what is in the register here, it says  
18                  discussing a broadcast notice to mariners for  
19                  security levels and so forth and so on. Thus  
20                  mariners will know precisely what to expect in  
21                  their waterways during higher security levels and  
22                  facilities. My concern about that is the roughly  
23                  78 million recreational boaters that are out there  
24                  that are also in this mix, that haven't been taken  
25                  into account in this. Again, I don't know how you

1 would address that. That is my comment on that.

2 The other comment, I feel that quarterly  
3 port security exercises would be a bit excessive,  
4 not practical for my operation in Chicago.  
5 Determining when it could be done, I have a  
6 seasonal business, I don't know how that would work  
7 necessarily in my operation. That is all I have.

8 MR. ORZECOWSKI: Tom Orzechowski with  
9 Seafarers International Union. I don't have any  
10 questions. More or less a statement.

11 In regard to port security as it affects  
12 the transfer of seamen or mariners to and from  
13 vessels. Three points, then one closing statement.

14 The first point, we would like you to  
15 recognize the preamble of ISPS code states  
16 contracting governments when improving ship and  
17 port security plans should pay due cognizance to  
18 the fact that the ship's personnel live and work on  
19 vessels and need shore leave and access to shore  
20 based seafarer welfare facilities, including  
21 medical care.

22 Second point is in part A of the ISPS code  
23 states that procedures for facilitating shore leave  
24 for ship's personnel, or personnel changes, as well  
25 as access of visitors to the ship, including

1 representative of seafarers welfare and labor  
2 organizations.

3 Third, in conference resolution number 11,  
4 shore leave for seafarers it states considering  
5 that given the global nature of the shipping  
6 industry, seafarers deserve adequate protection  
7 under all circumstances. Being aware that the  
8 seafarers work and live on ships involved in  
9 international trade and that access to shore  
10 facilities and shore leave are vital elements of  
11 the seafarers' general well-being; therefore, to  
12 the realization of seafarer relations. Being aware  
13 also that the ability to go ashore is essential for  
14 joining and leaving a ship after the agreed period  
15 of service urges all contracting governments to  
16 take the human element into consideration.

17 Finally we would like to say that it is our  
18 belief that all trade, domestic or otherwise, be  
19 held to the same standard in regard to the mariner  
20 recommendation. Thank you.

21 MR. HARKINS: Rick Harkins with Lake  
22 Carriers.

23 Regarding questions 8, 9 and 10, we have no  
24 comment at this time. I'm on several of the port  
25 security committees here in the Great Lakes. I

1 have to give compliments to the captains of the  
2 ports, the way they are running those committees.  
3 They certainly have the correct people on the  
4 committees. The issues we discuss and the  
5 committees are very, very, very good and timely,  
6 and risk based for the Great Lakes and we hope they  
7 continue.

8 Because we can run in the Great Lakes three  
9 or four different captain of port zones in any 24  
10 hours, we would have to have standardization. We  
11 wonder if it would be wise for the district to have  
12 a port security committee that might help that  
13 standardization when different MARSEC levels  
14 change, as a standardized method.

15 Regarding question number 11, we also feel  
16 quarterly exercises are a bit excessive. We  
17 recommend a yearly exercise and we wouldn't expect  
18 the company security officer to have to travel or  
19 to be in attendance of a port security exercise  
20 more than once a year.

21 Do we believe there should be proof of  
22 participation, we say yes. As well as the  
23 participants, when they do participate in an  
24 exercise, be given some sort of documentation or  
25 certification that they did attend. Thank you.



1 MR. GABEL: Good afternoon. My  
2 name is Richard Gabel, G-A-B-E-L. I'm the  
3 Vice-President of the International Longshoremen's  
4 Association, the Atlantic Coast District.

5 I would like to read a short statement,  
6 that is all. The ILA represents dock workers in  
7 virtually every port in the Great Lakes. Including  
8 the Saint Lawrence River, Upstate New York, to  
9 Duluth, Minnesota and into Chicago, Illinois. We  
10 intend to support the Marine Transportation  
11 Security Act and accompanying laws and regulations.  
12 All of the laws and regulations will have an impact  
13 on the ILA workers.

14 Under the current Maritime Transportation  
15 Security Act, Coast Guard proposals as we  
16 understand it, there will be a port security  
17 committee in every port where there exists a  
18 captain of the port. The captain of the port will  
19 be the facility officer. Port security committee  
20 will assist the captain of the port with developing  
21 port security plans and reviewing port security  
22 assessments. With this in mind, the ILA requests  
23 that it have an ILA representative on all port  
24 security committees on the Great Lakes. I have a  
25 list of names I'm willing to submit, if you need.

1 Thank you.

2 MR. PURINTON: Richard Purinton,  
3 Washington Island Ferry Line.

4 In terms of port security plans and  
5 committees, I have a question here in terms of what  
6 is proposed as the port. If you live in an  
7 outlying rural type of area, is it your specific  
8 little corner of the world, or is it the larger  
9 whole? What is the level of participation? If  
10 it's meant that for instance Washington Island  
11 participates in northern Green Bay waters and the  
12 county waterways committee activities, then I think  
13 it has meaning and merit. If it's the larger  
14 northern end of Lake Michigan, it has very little  
15 meaning. I've been confused a little bit in  
16 reading the guidance as to exactly what is meant by  
17 port.

18 I am here to address your concerns before  
19 the break, Admiral, you were asking about at what  
20 point, how many passengers, what is appropriate. I  
21 think this comes into play here. As an example, in  
22 our five small passenger vessels, three are  
23 subchapter T, two are subchapter K. The two which  
24 are subchapter K are only barely over the line,  
25 175, 250 passengers. We rarely if ever reach those

1 numbers, unfortunately.

2 I'm sure that the intent is not to have us  
3 regress and make them all subchapter T. That is  
4 not productive. What is the balance? I think the  
5 right answer, as far as security is concerned, is  
6 that it not be tied to an exact number. I know  
7 that if we use the risk analysis approach,  
8 certainly there are higher consequences with higher  
9 numbers of passengers.

10 When taking the entire operation into  
11 account, not just COI's but numbers of passengers  
12 carried, local, so forth, then you might equate for  
13 instance a small vessel of 50 passengers which  
14 makes four trips a day with one of 200 passenger  
15 capacity making one excursion. What is fair here?  
16 I don't know.

17 I think in terms of safety, the right thing  
18 to say is that all should participate in port  
19 plans. All should do assessments. All should be  
20 participants. When it comes to harbor safety  
21 committees, I think sometimes there is an absence  
22 of the small passenger operators. I don't know  
23 where the problem lies. They need to be invited to  
24 the table. Perhaps, if necessary, bring them by  
25 the shirt collar to the table. They need to be

1 part of the process in port security.

2 I guess I would say in terms of port  
3 security assessments, those players, the operators  
4 of the marine contractors, tug and barge folks, the  
5 small passenger vessel operators, all of them need  
6 to be part of that development of the process for  
7 the port plan.

8 MISS RUSSELL: Robin Trinko-Russell,  
9 Madeline Island Ferry on Lake Superior. We are 90  
10 miles from our MSO, captain of the port would be  
11 Duluth. Combining plans makes sense for us as far  
12 as port plans, the two places we serve, Mayfield  
13 and Madeline Island with our facility plans.

14 I also concur with Michael Borgstrom from  
15 Wendella in Chicago and Dick Purinton, Washington  
16 Island Ferry, Lake Michigan, that recreational  
17 boaters are also an issue. There are recreational  
18 boats in our area that are longer than our smallest  
19 ferry. They can be a problem too, need to be in  
20 this plan.

21 The quarterly exercises doesn't really make  
22 sense for us. We're shut down probably two to  
23 three months in the winter. To have them the other  
24 three quarters, especially with our seasonal crew  
25 and seasonal help would be excessive. If we spend

1 too much time doing that, we take away time from  
2 doing other things that are important to our  
3 business. Thank you.

4 MR. PINCE: Good afternoon. My  
5 name is Bruce Pince. I'm a partner in ISOS, which  
6 stands for International Security Operating Systems  
7 for 40 years, for various industries. We've been  
8 designing and operating and certifying systems. I  
9 would like to address the dot, other port security  
10 topics. While my remarks may touch upon those  
11 other four, and some that have come in prior  
12 sessions.

13 I just would like to make a general  
14 observation and suggestion. I would suggest that  
15 USCG, with their partners, MARAD and TSA consider,  
16 if you have not already done so, establishing a  
17 process for your process. To essentially design an  
18 overall security operating system, an SOS, just as  
19 we have. Just as the rest of industries have  
20 designed quality operating systems, manufacturing  
21 operating systems and the like.

22 I would suggest that you consider the ISO  
23 concept and its configuration, which is devoted, as  
24 you all know, to quality operating systems. It has  
25 several major elements which I would recommend for

1 your consideration, which I suggest are already  
2 going on. They seem at least, probably due to my  
3 ignorance, not as fully integrated as they might  
4 be.

5 First to identify and justify the need for  
6 a security operating system.

7 The second is to create generic security  
8 operating system requirements. That would be an  
9 overall set. Then subsidiary sets for facilities,  
10 ports, and ships.

11 Then having created the requirements,  
12 develop and document specific requirements for the  
13 specific needs through various user audiences.  
14 Then develop and train assessors. Then develop  
15 implementation methods and execute them. Have  
16 ships and ports do what we call first and second  
17 party. Then have qualified organizations do the  
18 third party assessment, then certify it against the  
19 standards and recertify on an annual basis.

20 I think maybe I would refer to the earlier  
21 group, I think the Coast Guard should take the lead  
22 in identifying, certifying these organizations.  
23 They do tend to proliferate if you don't.

24 MISS STARRING: Marilyn Starring, Star  
25 of Saugatuck Boat Cruises. I concur with the

1 statements made by Wendella Boats Lines, as well as  
2 Washington Island and Madeline Island ferries.

3 MR. KOJIMA: Good afternoon. My  
4 name is Casey Kojima. I am the manager of Pelee  
5 Island Transportation. We operate a ferry service  
6 from Pelee Island, Ontario, to Sandusky, Ohio. We  
7 typically operate one ship, the Pelee Islander,  
8 which has a capacity of 196 people. It's a  
9 seasonal service.

10 Some of my questions have been addressed by  
11 the previous commentators. I have a question  
12 regarding 8, 9, 10, 11, port security. How would  
13 the enhanced port security affect the processing of  
14 passengers? These are I guess international  
15 passengers. They typically get on and off our  
16 vessels, through US Customs in Sandusky. Will the  
17 enhanced security measures affect our scheduled  
18 service? How will it also affect the privacy for  
19 passengers with the information that you require?

20 The other comment is how will this, the  
21 enhancements, affect the notice of arrival and the  
22 other processes that we have to go through  
23 already? Thank you.

24 MR. ENGLISH: My name is Jack English  
25 with U.S. Steel, Pittsburgh. I have two comments

1 to make.

2 In regard to patrolling vessels, I would  
3 like to suggest we red flag barges, to maybe  
4 consider a GPS marker on that barge. So as opposed  
5 to all the paperwork and tracking it, you at any  
6 point in time could locate and ID that barge.

7 In regards to item 11, the quarterly  
8 exercises seem excessive. There are exercises that  
9 are done right now in regard to EPA regulations of  
10 handling various materials. We have an annual  
11 table top exercise. I'm sure it would more than  
12 qualify for such an event. Consider that be  
13 acceptable, or something of that sort is what we  
14 would want to consider. Thank you.

15 COMMANDER ENGELBERT: Seeing no  
16 further comments on port security provisions, I'll  
17 turn the mike over to the panel to discuss what  
18 they've heard. Admiral.

19 ADMIRAL HERETH: Let me quickly go  
20 through a couple things. Again some very relevant  
21 and good comments. We appreciate that.

22 Broadcast notice of mariners, the whole  
23 information flow thing needs quite a bit of work.  
24 We have lots of attention being paid to it. We  
25 will try to come up with a reasonable solution that



1 allows for the passenger information into the  
2 system and out the system, including through widely  
3 disseminated means and very specific means. I  
4 think both are necessary when you talk about  
5 security information. Direct boat issue is a good  
6 one. That might be generally broadcast information  
7 about security levels and supplemented by Coast  
8 Guard patrol boats, getting people out of an area  
9 that needs clearing, or something like that.

10 There are also needs for specific  
11 information to go to specific people. Like I said  
12 before, we need to make sure that system is nailed  
13 down really tightly, works cleanly 7 by 24.

14 We got your comment on seafarer welfare and  
15 shore leave. That is a significant issue around  
16 the country. As you know, as many know that  
17 operated on the other coast, besides the north  
18 coast, the crew list visa is not in effect  
19 anymore. That is being investigated. There is a  
20 work group that involves INS, Department of  
21 Justice, Coast Guard, MARAD, State Department, TSA,  
22 probably others I haven't named working on that  
23 issue. It is an international issue, being dealt  
24 with also by ILO as they improve and enhance the  
25 mariners credentials around the world.

1           It's not just a Coast Guard issue, not just  
2           a MARAD issue or a TSA issue. My boss and the  
3           maritime director, or the director of MARAD both  
4           sent a letter to the Office of Homeland Security to  
5           convene a group at the White House level to deal  
6           with the issue. TSA is involved with it to deal  
7           with that issue. It's an international issue in  
8           scope. We probably have about 10,000 foreign crew  
9           members at least. In addition to any Canadian  
10          visitors coming to the United States on foreign  
11          vessels. So it's an issue. It's going to take a  
12          while to sort through that.

13               Port security committees, we appreciate  
14          your compliment about the captains of the ports. I  
15          extend congratulations to them and their staffs.  
16          We try to really reach out and make sure that our  
17          captain of ports are linked up locally and touching  
18          base with the stakeholders in their port community,  
19          whether on the shore side or operating vessels.  
20          We'll continue to do that. Continue to try to  
21          support our captains of ports to stay connected.

22               The port security committees we envision  
23          will be inclusive more than exclusive. We'll  
24          probably have some kind of formalized process so we  
25          know who is on the committee. We expect them to

1           operate in a very open fashion.

2                   Got the comment from labor. We feel that  
3           labor should be represented on the panel. Should  
4           be represented on the port security committee. All  
5           the other stakeholders who operate vessels or  
6           operate terminals or operate facilities along the  
7           waterfront, including the recreational boating  
8           community, need to be on that committee.

9                   Having just come from San Francisco, they  
10          have a very regimented process for their harbor  
11          safety committees out there. They duly appoint and  
12          swear in members. I'm not sure that we need to be  
13          that formal, to be honest. I think we do need to  
14          follow some kind of model that does account for  
15          representatives across the board in all the  
16          categories that operate along the waterfront,  
17          including labor, including recreational boating.

18                  In the meetings I attended in San  
19          Francisco, both of those parties provided lots of  
20          good comments, commentaries, perspective. They  
21          have people that are on the water every single  
22          day. That is the kind of comments that add  
23          dimension to the security discussions of the port  
24          security committee.

25                  Quarterly exercises too excessive someone

1 mentioned. Let me explain that. Again I'll ask my  
2 staff to correct me if I'm wrong. Our scheme is  
3 not to have a full blown exercise every quarter,  
4 but simply to have a complete exercise once a  
5 year. In between, we think it's too long to not do  
6 anything related to security.

7 So we're inviting once a quarter to have a  
8 drill, which if you look at the laundry list of  
9 things that must be included in an exercise, a  
10 drill is only a subset of those. You pick a couple  
11 of things, hopefully every quarter you do a  
12 different thing. You exercise your communication  
13 protocols, you test your notification system, see  
14 if the numbers and people are responsive.  
15 Something to take a step in the direction of making  
16 sure your security program is okay in your judgment  
17 once a quarter. We don't envision a full blown  
18 exercise once a quarter. We envision that once a  
19 year. That is where we're headed. If that answers  
20 the questions and you are comfortable with that,  
21 let us know by your comments. If it isn't,  
22 continue to let us know you don't feel comfortable  
23 with that.

24 One other question about, I appreciate the  
25 comments about the international standards

1 organization. We need a process to our process.  
2 We have used risk management protocols throughout  
3 our benchmark guidance. There are a couple of  
4 enclosures I will refer you to. The last one in  
5 our facility NVIC is a good one that follows risk  
6 management, is somewhat similar in its approach,  
7 but we have some risk management guides for  
8 facility NVIC and some in our vessel NVIC that  
9 allows you to test in a virtual way systems that  
10 you think could be applied to your operation, see  
11 if that in fact lowers your risk. It's a  
12 methodical process. It again follows the spirit of  
13 what this gentleman was offering. That is,  
14 approach your operation consistently, methodically,  
15 look at the risk that associates to you, to your  
16 business operation, then be careful about how you  
17 apply changes to that pattern of operation. See if  
18 the changes can affect the risk in a positive  
19 direction. We wholeheartedly agree with that,  
20 support that concept.

21 MR. KRICK: Thank you, Admiral.  
22 Just quickly there were three key issues I think  
23 that popped up for MARAD. One with regard to  
24 recreational boaters. We agree that they need to  
25 be taken into account. They share the waterways,

1 are stakeholders, they need to have an idea what  
2 the situation is out there. So, the system the  
3 Admiral proposed will work quite well.

4 Regarding the comments on the mariners and  
5 shore leave. As a mariner who still holds  
6 documents to sail, I can't overestimate the  
7 importance of shore leave, what that is to the  
8 welfare of the seamen. More importantly, I really  
9 want to stress that this is a key issue for the  
10 maritime administrator. He feels very strongly  
11 about this. I've never seen him get more worked up  
12 on something than when he hears especially an  
13 American mariner who is traveling on the coast is  
14 unable to get off his ship to make a phone call or  
15 go buy a tube of toothpaste. Being treated as  
16 second class citizens so to speak. We're looking  
17 forward to addressing that issue.

18 Beyond the American mariner is the foreign  
19 crews. We recognize that is an important part of  
20 their welfare as well. The foreign crews are on  
21 board for a significantly longer period of time  
22 than the American crews. If we start locking down  
23 the foreign crews across the board here, continue  
24 it, our worry is that there could be possible  
25 retaliation overseas to American vessels and crew

1 members there.

2 With regard to the port security  
3 committees, briefly, I want to touch on that.  
4 Prior to coming to MARAD, I was involved in the  
5 establishment of at least one of these committees.  
6 Saw the value of including all the stakeholders.  
7 To that end, MARAD is committed to assisting the  
8 Coast Guard in insuring that the stakeholders are  
9 represented, will be happy to volunteer our  
10 expertise in the commercial area, to insure as a  
11 liaison to the captain of the ports everyone is  
12 covered. Thanks.

13 COMMANDER ENGELBERT: Thank you. I  
14 notice that the coffee has been rejuvenated. I'm  
15 not going to take a break. You are welcome to get  
16 yourself a cup of coffee. I'm moving on.

17 We're going to talk about vessels. This is  
18 questions 12 through 23, page 79747 and 748 of your  
19 Notice.

20 Questions 12 talks about incorporation by  
21 reference. Just as we do in the safety regime, the  
22 Coast Guard is considering accepting national,  
23 state or industry standards for equipment that  
24 might assist you in meeting security requirements,  
25 such as things like motion detection devices, or

1 cameras for the maritime community.

2 We ask you, is there national, state or  
3 industry standards that could be used in the  
4 maritime community to assist in meeting the  
5 security measures. If so, would you consider using  
6 it.

7 Question 13 talks about obligations of the  
8 company. In vessel security provisions of the  
9 international code there is discussion about the  
10 company requirements, and certain obligations that  
11 the company has under international law. The Coast  
12 Guard considers that it would be appropriate for  
13 vessel security plans to contain information and  
14 describe how the company meets its obligations.  
15 That is where we propose to have that company  
16 obligation outlined.

17 The question we pose to you is addressing  
18 company obligations in vessel planning. Do you  
19 have any suggestions on how to insure these  
20 obligations are met. Do you have any suggestions  
21 on how to balance towing company obligations versus  
22 barge company obligations.

23 Question 14 goes to applicability, page  
24 79745, lists proposed application to directly  
25 require vessel assessments, plans, security



1 officers, and the myriad of other things that we're  
2 discussing. The application includes all foreign  
3 vessels, all vessels, ships and MODUs subject to  
4 subchapters D, H, I, I-A, K, L and O. The proposal  
5 includes small passenger vessels subchapter T that  
6 are on international voyages. It also proposes  
7 including all barges that are D, I and O. All  
8 towing vessels greater than 6 meters.

9 The question we're asking you is, is the  
10 proposed application of these requirements  
11 appropriate to this group of vessels. Do you have  
12 any suggestions for additional security measures  
13 that you believe vessels should do.

14 Question 15 goes to vessel security  
15 assessments. Vessel security assessments would be  
16 required and would include an on scene security  
17 survey for that vessel. The Coast Guard is  
18 proposing that we would review the VSA when the  
19 vessel security plan is submitted for approval.

20 We're asking you if you have suggestions on  
21 how to best conduct a vessel security assessment.  
22 If you have alternatives for vessels that are  
23 solely on domestic voyages.

24 Question 16 talks about vessel security  
25 plans. The requirements for the plans would

1 include developing measures for all three security  
2 levels. It would include taking into account the  
3 results of the vessel security assessment, to  
4 tailor your vessel security plan to the results of  
5 the assessment. It would require that the plans be  
6 reviewed and updated periodically.

7 The Coast Guard is asking or suggesting  
8 that it would provide an outline of what the plan  
9 should contain, similar to what it did in 33 CFR  
10 155, which refers to the vessel response plan  
11 outline.

12 We ask you in question 16 if you have  
13 suggestions for additional items that the vessel  
14 security plan should address. We ask you if you  
15 have any suggestions or best practices that you  
16 believe we should consider. If you find an outline  
17 for a plan valuable in trying to meet this  
18 requirement.

19 Question 17 talks about the submission of  
20 the vessel security plan. These plans are required  
21 to be approved, both under international law and  
22 now under the Maritime Transportation Security  
23 Act. The Coast Guard intends to accept non U.S.  
24 flag vessels, SOLAS, ISPS code certificates if they  
25 indicate Part A and Part B of the ISPS code are

1 met.

2 The Coast Guard is also considering that  
3 the vessel security plan would be approved by the  
4 Coast Guard. In addition, we are considering  
5 alternatives, such as a corporate plan that would  
6 cover several vessels, or an industry specific plan  
7 that could be used to meet this vessel plan  
8 requirement. We propose the process for submission  
9 of these plans be similar to that in 33 CFR 120,  
10 which is the submission process for the large  
11 passenger vessel security plan.

12 We ask you if you have suggestions on how  
13 to streamline the approval of your vessel security  
14 plan and if the submission format that we propose  
15 is appropriate.

16 Question 18 goes to the existing security  
17 measures for certain vessels. As most of you know,  
18 there are existing security measures for large  
19 passenger vessels under 33 CFR part 120. The Coast  
20 Guard is evaluating the need to retain these  
21 requirements or if they can now be set aside  
22 because of SOLAS requirements. The Coast Guard  
23 stated in its Notice it believes the 33 CFR 120 is  
24 equivalent to the ISPS codes Part A and B.

25 We ask you if you believe that the two are

1 equivalent. We ask if you believe there should be  
2 additional security requirements for certain vessel  
3 types. This question is beyond large passenger  
4 vessels, it goes to all vessel types.

5 Vessel security record keeping is question  
6 19. There are requirements for certain security  
7 records to be kept on board, and available for  
8 review. The Coast Guard is proposing in its Notice  
9 those records be kept for two years. Although it  
10 does not specify if that would be two years on  
11 board. Just two years.

12 It also is proposing that no formats or  
13 place be prescribed. In other words, we are  
14 proposing that we would not dictate to you to keep  
15 it in the ship's log.

16 We're asking you for suggestions or best  
17 practices for record keeping. If you believe the  
18 Coast Guard should prescribe to you a format for  
19 placement.

20 Question 20 talks about the company  
21 security officer. A company security officer is  
22 required by the international code. The company is  
23 required to designate this individual. Company  
24 security officers are required to participate in  
25 security exercises and keep those records of

1 participation for two years. At this time, the  
2 Coast Guard is not proposing course certifications  
3 or licenses for company security officers. We are  
4 however proposing that the companies would certify  
5 company security officers, indicate that they have  
6 the knowledge, experience and competency to perform  
7 the duties that they are assigned.

8 We ask you, should the Coast Guard require  
9 formal training? Is the company certification  
10 appropriate? Is two years of record keeping for  
11 the participation of this officer appropriate?

12 Question 21 talks about the vessel security  
13 officer. A requirement would be for the company to  
14 designate a vessel security officer. That officer  
15 would have to participate in security exercises, if  
16 available. We do not propose that course  
17 certificates or licenses be given to vessel  
18 security officers at this time. We are proposing  
19 similar to company security officers, that the  
20 company certify that the vessel security officers  
21 have the knowledge, experience and competency.

22 We're also considering alternatives for  
23 some classes of vessel. We're interested in  
24 knowing if you believe the Coast Guard should  
25 require formal training for the vessel security

1 officer. If the company certification of this  
2 individual is appropriate. If there are suggested  
3 alternatives for the vessel security officer on  
4 certain classes of vessels. It should be noted  
5 that the master could be consider the vessel  
6 security officer. It also should be noted that  
7 there is no prohibition that the company security  
8 officer also be the vessel security officer.

9 Question 22 talks about security training  
10 and drills for vessel personnel. Vessel personnel  
11 that have specific security duties and  
12 responsibilities are proposed to have training  
13 requirements. These personnel would also be  
14 required to participate in any security drills.  
15 Masters, vessel security officers or company  
16 security officers would certify that the vessel  
17 personnel have received this training. There would  
18 be a requirement for the records on this training  
19 and the drills be kept.

20 The questions we ask are should the Coast  
21 Guard require formal training for vessel personnel,  
22 and should a format for the training and drill  
23 records be prescribed?

24 Finally, question 23 in the vessel section  
25 talks about certification for vessels. There is a

1 provision for international ship security  
2 certificate to be issued for vessels on  
3 international voyages. The Coast Guard intends to  
4 make domestic vessels meet the requirements of  
5 security measures. Would not issue a certificate  
6 of inspection until those requirements are met.

7 For those vessels that are uninspected, the  
8 Coast Guard is proposing some sort of proof of  
9 compliance be kept on board.

10 The Coast Guard asks you in question 23 if  
11 you have other suggestions for verification,  
12 certification that you would like us to consider.

13 In summary on those pages 79747 through  
14 79748, the discussion of vessel security  
15 provisions, as you can see, cover incorporation by  
16 reference, company obligations, the application  
17 requirements, vessel security assessments and  
18 plans, plan submissions, record keeping and  
19 certification, existing vessel security  
20 requirements, company, vessel and vessel personnel  
21 training drills and exercise participation, or any  
22 other vessel security topic.

23 The floor is now open for a discussion on  
24 vessel security provisions.

25 MISS STARRING: Marilyn Starring, Star

1 of Saugatuck Boat Cruises.

2 Item number 12, I feel that if industry  
3 standards is meant to include the offering of trade  
4 associations such as PVA, we who are members of  
5 that organization would definitely use them.

6 Item 13, obligations of the company, we  
7 have approximately 12 people that work for us  
8 during peak season. That goes from the pilot or  
9 master of the vessel down to the crew and person  
10 selling tickets dockside. We are a typical mom and  
11 pop operation. Total responsibility of developing,  
12 implementing and training totally falling on my  
13 shoulders or my husband's shoulders, along with  
14 every other aspect of running our business. There  
15 isn't additional income that we can afford to spend  
16 on hiring another person either full or part time,  
17 or someone in the area that has the expertise of  
18 our vessel or security for a small passenger vessel  
19 at our dock.

20 Item number 14, vessel security  
21 requirements. I feel that every vessel does not  
22 need to be included in the requirement for a VSR.  
23 Marine and small fishing vessels could benefit  
24 greatly from the awareness and be an unavailable  
25 resource in an overall security plan.



1           Item 15, VSA for passenger vessels must not  
2           be more complicated, expensive, or difficult to  
3           follow than the similar land-based counterparts.

4           16, an outline or template would be very  
5           helpful for guidance and the VSP should be one that  
6           enables a small passenger operator to remain in  
7           business while assuring safety to customers and  
8           their employees.

9           Item 17, I feel there is no reason to have  
10          them hold our USIM or to have them hold our VSP. I  
11          think it would be greater benefit for the local MSO  
12          having it as well as sharing it with the COTP.  
13          This process is very foreign, extremely  
14          overwhelming to business such as ours, as I'm sure  
15          it is for you as well trying to make it work for  
16          everyone.

17          19, record keeping should be minimized. We  
18          should be looking for quality, not quantity. Those  
19          records should be available in our dockside office.

20          20, CFO title and VSO title could be held  
21          by the same person in a small company. We would  
22          consider that the master operating the vessel at  
23          the time would be the VSO.

24          22, drills and training requirements should  
25          be meaningful and timely. I feel that the Coast

1 Guard should not impose requirements for vessel  
2 personnel to attend formal training for the  
3 domestic passenger industry and companies such as  
4 myself. We need to recognize ways to acquire  
5 information and skills needed, including being able  
6 to do your own research from publications available  
7 using PBA or other industry organizations to help  
8 assist in your training.

9 23, we are not a SOLAS vessel, we are  
10 annually inspected and receive a COI from the Coast  
11 Guard, which is by far the easiest and most  
12 practical way to insure endorsing security  
13 readiness.

14 MR. DOYLE: William Doyle, National  
15 Marine Engineers Beneficial Association. We  
16 represent labor on ships. Keeping in mind the  
17 notation from the Chair that the vessel security  
18 officer, ship security officer and company security  
19 officer, there is no prohibition that the company  
20 security officer can be the security officer.

21 The NMEBA endorses any policy, procedure  
22 and effort to interdict terrorists which is  
23 practical to the highest degree of success.

24 Responsibilities of the ship security  
25 officer cannot be adequately and effectively

1 carried out by existing shipboard personnel where  
2 the certificate of inspection mandates a minimum  
3 number of crew members required for the operation  
4 of the ship only.

5 Shipboard officers are overburdened with a  
6 myriad of U.S. Coast Guard and international  
7 certifications, along with responsibilities much  
8 higher than before.

9 Most recently the STCW, ISM, ISO, OPA 90  
10 put a heavy burden on the officers of vessels, and  
11 to comply with these new regulations we are going  
12 to have to come up with a creative, effective way  
13 to have the company still remain competitive.

14 Creating a shipboard security officer  
15 bullet; the COI direct method of enhancing ship  
16 security must be adopted by the U.S. Coast Guard.  
17 Ships carrying officers must possess a U.S. Coast  
18 Guard issue of license in the deck of the engine  
19 department.

20 With the above in mind, we strongly support  
21 the inclusion of a ship security officer, on ship  
22 COI. The officer assigned as an SSO must possess,  
23 in addition to all domestic and internationally  
24 required certifications, a certificate issued by  
25 the U.S. Coast Guard after attending an approved

1 training course provided by a federal or state  
2 maritime academy or an industry sponsored school  
3 such as the Labor Training Facility.

4 Ship security officers who is a one-man  
5 department head shall be subordinate to the company  
6 security officer and carry out procedures and  
7 policies mandated by the company security officer  
8 for maintaining a high degree of ship security.  
9 Matters related to the safe operation of the ship,  
10 the ship security officer shall subordinate to the  
11 master of the ship.

12 As we all know compliance with regulations  
13 and laws, first in compliance with the United  
14 States, Canada and Britain, all follow  
15 regulations. Onto this burden it comes to a money  
16 issue. Keeping in mind I'm with labor, that we  
17 don't want to put an extra added burden on the  
18 companies so they are noncompetitive with foreign  
19 interests that come in, may not comply with the  
20 Hollings Bill, Maritime Transportation Security  
21 Act. Thank you.

22 MISS RUSSELL: Robin Trinko-Russell,  
23 Madeline Island Ferry. I appreciate the  
24 opportunity to give input on the maritime security  
25 regulations. Being able to come here to Cleveland.

1           As obligation of the company, number 13, we  
2           have 30 people at the peak of our season who  
3           operate our vessels. These regulations require  
4           greater work load by myself and other supervisors  
5           to maintain the vehicle security assessments and  
6           the facilities assessments.

7           The discussion of an approval of the VSP  
8           and FSP can be done, I think, during our annual  
9           inspection in May of our four vessels.

10          Regarding number 15, the VSA should not be  
11          more complicated or expensive than other plans for  
12          mainland operations. We're in a vacation area, we  
13          depend on consumer dollars. To remain viable as a  
14          business we can't spend more than we make.

15          I had one comment about the cost of the VSA  
16          and VSP. It has cost in the guideline of money to  
17          put it together for the first year. There is only  
18          \$2 per year, every year for the next nine years. I  
19          can't say that the cost of copying, revising,  
20          revisiting the plan will take more money than that  
21          in time. If we don't look at it, use it, why have  
22          it?

23          A template would be useful for developing  
24          the vessel security plan, number 16, and we would  
25          also rely on our industry, on PVA, Passenger Vessel

1 Association as our industry standard.

2 In regards to number 19, it would be  
3 helpful to us to minimize record keeping, probably  
4 keep the records in our office, which is on the  
5 island in our main headquarters.

6 In a small company as ours is, number 20,  
7 company security officer and vessel security  
8 officer would probably be the same person. As also  
9 the facility security officer. We would prefer no  
10 formal training. We feel that we could do it on  
11 our own with materials supplied by the U.S. Coast  
12 Guard. That applies also to number 22. Thank you.

13 MR. PURINTON: Richard Purinton,  
14 Washington Island Ferry Line. I want to support  
15 the comments by Marilyn Starring and Robin  
16 Trinko-Russell.

17 This particular block of requirements is  
18 kind of a nuts and bolts, really hits the company  
19 the hardest, trying to figure out what is meant,  
20 how to implement it.

21 As an aside, I would like to say that the  
22 maritime safety document is one of the most  
23 difficult that I've ever had to read and to  
24 understand. To go back and forth from the  
25 questions to the ISPS, IMO, so on, all of which is

1           pretty foreign to me to begin with. I have to say  
2           it brought on a bit of a migraine.

3           About the time that I felt that way, I  
4           turned to the NVIC, by comparison it read like  
5           lyrical prose. I would like to incorporate into  
6           the document three parts from the NVIC, because I  
7           think they are key as to our understanding. These  
8           are the last comments I'll be able to make today  
9           before leaving.

10           From the facility NVIC 11-02, Coast Guard  
11           strongly supports performance based standards and  
12           accepts alternatives.

13           Another paragraph; working together the  
14           captain of the port, owner/operator should identify  
15           the additional measures necessary to safeguard such  
16           facilities. And although the intent is to promote,  
17           warn, uniform practices and procedures, the  
18           guidelines were also drafted with the understanding  
19           that the threat levels for particular circumstances  
20           will differ among various geographic areas and  
21           ports, based upon the risk present.

22           If those sorts of tenets are kept in mind,  
23           we certainly will be able to move forward with  
24           this. That is it.

25           MR. BORGSTROM:           Michael Borgstrom,

1 Wendella Boats, Chicago. I would like to reiterate  
2 what Marilyn Starring and Robin Trinko-Russell  
3 pointed out that with smaller business such as  
4 mine, a small family business, been in business  
5 about 70 years, that can be quite a burden on a  
6 smaller business.

7 We have six vessels, sort of going back to  
8 what Jerry Lawrence stated earlier, I wanted to  
9 reiterate a situation which is unique to us. One  
10 of the services we provide is a passenger ferry  
11 service in Chicago. It is part of the intermodal  
12 transportation system which includes buses and  
13 trains. With thousands of people using the system  
14 each day, again reiterating what Jerry Lawrence  
15 said, why should I be the only mode of  
16 transportation subject to mandatory requirements?  
17 I think this also goes back to the money issue,  
18 which CTA in Chicago, Metro, Amtrak, not so much  
19 Amtrak, they receive federal funds for many of the  
20 things that supplement their security. Any  
21 regulations that are put on them, that money can  
22 be gotten elsewhere, from a municipality, or from  
23 the government. Anything we have to do on our  
24 boats has to come out of our pockets. That is my  
25 comment. Thank you.



1 MR. LAWRENCE: Jerry Lawrence, Mercury  
2 Boats in Chicago. Thanks, Mike.

3 My comment is on number 14, vessel security  
4 requirements. As it refers to NVIC 10-02. D,  
5 passenger vessel inspections; and C, seizure of  
6 unlawful weapons.

7 I was asked because of my background, one  
8 quick second on that. I spent 14 years as a  
9 homicide detective in the City of Chicago, went to  
10 a command position in the Chicago Fire Department,  
11 director of communications and other positions. So  
12 I got asked. We had a discussion, how much C4 is  
13 necessary, how big a backpack, what are we looking  
14 for. The answers were at that point I don't know.

15 We are all small operations. We have to  
16 pay someone to teach our CSO, VSO, or will the  
17 government, meaning the Coast Guard, vis-a-vis  
18 homeland security, provide schooling for the  
19 companies or at least train the trainers so it  
20 isn't more money out of our pocket? We certainly  
21 are in favor of security. Here we go again. It's  
22 always out of the pocket. Out of the pocket.

23 The year of 9-11, business, the whole  
24 economy sucked. Last year a little bit better.  
25 After 9-11 everything went in the dumper. Now

1 we're trying to play catchup financially. Meet the  
2 intent of the Federal Register. Yet it looks like  
3 it's going to cost us a ton of money. I would like  
4 to see some consideration be given to either a  
5 trainer program or something where we don't have to  
6 invest money that we frankly don't have. We're  
7 afraid of getting out. We don't want to get out of  
8 the business. Thank you.

9 MR. WEAKLY: Jim Weakly, president  
10 of Lake Carriers Association. I have a couple  
11 comments. One on a general nature of security of  
12 vessels. Being a representative of ships operating  
13 in domestic trade, I would be remiss if I did not  
14 point out the importance of Jones Act vessels.  
15 Jones Act vessels are those U.S. flagged, U.S.  
16 built and U.S. crewed. Although it has been long  
17 recognized in national security aspect of U.S.  
18 built, U.S. flagged, U.S. crewed, I believe on a  
19 vessel per vessel basis we cannot underestimate the  
20 importance of the Jones Act national security at  
21 the local level of as well.

22 With regard to the question about towing  
23 vessels and barge companies I refer to my earlier  
24 comments, using a risk based classification, as  
25 opposed to a conventional classification.

1 I would propose that lake vessels carrying  
2 iron ore, limestone are of a similar risk class as  
3 the tug/barge combination. Again I refer to my  
4 earlier comments there.

5 With regard to the duties and  
6 responsibilities of the vessel security officer, we  
7 firmly believe those can be accomplished by the  
8 crews complement with the collateral duty status of  
9 the VSO. Thank you very much.

10 MR. HARKINS: Rick Harkins with Lake  
11 Carriers. I'll address specific questions.

12 Number 15, vessels and domestic voyages,  
13 are there appropriate alternatives to the VSA that  
14 could be considered. Yes, as previously stated, we  
15 will have vessel security assessments as a standard  
16 CSA, LCA standard for bulk carriers on the Great  
17 Lakes.

18 Submittal for VSA approval, as we stated  
19 earlier that would go to the district, that's our  
20 recommendation.

21 Can these vessel security plans be  
22 streamlined. As I just stated, yes, we think we  
23 can do that. Industry standards that would apply.

24 Vessel security record keeping, we would  
25 propose to develop LCA, CSA standards for where

1 records are kept, what records are kept there. We  
2 would not want the Coast Guard to prescribe our  
3 formats.

4 As far as the CSO, VSO, we do not believe  
5 formal training would be required. Company  
6 certification is adequate. Participation in  
7 exercises should be retained for two years. That  
8 is fine.

9 Security training and drill requirements,  
10 format for training directors would assist you. We  
11 don't believe that would be adequate.

12 Under certification for vessels, do we have  
13 any other suggestions for certification and  
14 verification, no, we do not. Issuance of the COI  
15 we feel is adequate for domestic vessel, U.S.  
16 flag. Thank you.

17 MR. QUICK: Good afternoon. George  
18 Quick, Vice President of Masters, Mates and Pilots,  
19 the organization that represents the masters on  
20 American flag ships and pilots on foreign flag  
21 ships throughout the United States.

22 I would like to address question number 17,  
23 that deals with port facility plan approval. We  
24 have a great concern with the problem of access to  
25 and from ships by crew members, company personnel,

1 agents, pilots, seafarers welfare and labor  
2 representatives.

3 Some of the terminals have been locking  
4 down the terminals on alleged security concerns and  
5 denying crew the ability to go ashore, or pilot  
6 agents or company personnel the ability to go  
7 through the terminal to visit the ship.

8 This issue was discussed at the SOLAS  
9 conference. Was addressed with almost unanimous  
10 support for the provision Part A of the ISPS code  
11 under section 16. It says the plan supports the  
12 facility security plan must be approved by the  
13 government in the U.S., that means the U.S. captain  
14 of port. U.S. Coast Guard captain of the port.  
15 The plan must provide at least procedures for  
16 facilitating shore leave, as well as access for  
17 visitors to and from the ship.

18 Our question is, does the Coast Guard  
19 intend to instruct the captain of the ports to  
20 implement this provision in improving port security  
21 plans? This had almost unanimous support from the  
22 delegations at IMO. The only delegation that  
23 failed to support it was the U.S. Coast Guard.  
24 U.S. Coast Guard failed to support it on what we  
25 consider a bogus issue of supposed property rights

1 to terminal operators. We think all government  
2 regulations affect private property rights and  
3 individual property rights. We find it very  
4 strange that property rights are more important  
5 than seafarer rights on the issue that is on the  
6 table. Thank you.

7 MR. EHRINGER: Dick Ehringer, from  
8 Pittsburgh. I represent the Waterway Association  
9 of Pittsburgh. From section 12 to 23 we feel is  
10 really what this whole thing is all about. How  
11 it's going to affect the vessels.

12 As far as the company obligations are  
13 concerned, we feel that when it comes to record  
14 keeping, reporting, we don't want to keep that on  
15 the tug boats. Any of you that have been on tug  
16 boats, especially on inland rivers, various  
17 different sizes of boats, small harbor boats to  
18 large line haul boats, keeping records on the boat  
19 I'll guarantee you will be lost. You don't have a  
20 lot of areas to store these things. We're storing  
21 a lot of equipment now. There just isn't adequate  
22 room on a lot of tug boats to do that kind of  
23 thing. So we rather store that at our offices. We  
24 do that now for the responsible carriers program.

25 I know my company, we have a separate room

1 just for record keeping. It's record keeping after  
2 record keeping. You ask what rule was in effect,  
3 what record you want, we pick a room, tell you to  
4 go there. That is how many we've got.

5 We would like to see this training stay  
6 within the company training. If I have a security  
7 officer, I appoint the captain as the security  
8 officer of that vessel, let the company train him  
9 to what the company's security program is. That  
10 way there is less confusion. You have more control  
11 of it.

12 As far as all of these subjects in front of  
13 us right now, I would really like to see the local  
14 MSO officers get involved in the companies in their  
15 area. Let them sit down with the companies and try  
16 to discuss these things. Get a realistic plan what  
17 can work. Not somebody sitting somewhere else, 300  
18 miles away, because they don't know what will work  
19 in that area. Local people do. They can sit down  
20 and talk with industry, which they are willing to  
21 do, they do all the time. Maybe then the MSO  
22 officers can get together, in the rivers, then  
23 discuss what their districts have talked about,  
24 maybe try to come up with a feasible plan. Thank  
25 you.

1                   MR. ENGLISH:               Jack English, with U.S.  
2                   Steel, Pittsburgh. Also with the Waterways  
3                   Association. Two comments. One regards item 13.

4                   I'm immediately responsible for a  
5                   substantial facility; however, I have a fleet of  
6                   three boats in a dedicated service to the  
7                   facility. These provisions here I think will be  
8                   adequately met with the facility security  
9                   provisions, which would then, I would believe,  
10                  entitle me to an exemption or someone to an  
11                  exception, given the fact you are only going from  
12                  your dock to your dock, maintaining your dock, even  
13                  if it is only two miles of frontage. It is a  
14                  continuous operation, 24/7 does not stop. It's  
15                  manned full time. So thereby, that sort of thing  
16                  should be accommodated here somewhere so you don't  
17                  have redundancies.

18                  Second, in regard to item number 18, this  
19                  is a good one. Your training requirements. Beyond  
20                  communication I don't know what expectations you  
21                  have of crew that are actual working employees.  
22                  They are not trained to defend, they are not  
23                  trained to do anything beyond maybe communicate a  
24                  potential event or something suspicious. I don't  
25                  understand that training. I don't know how much



1       you could actually reasonably expect to be, I don't  
2       know, more than overbearing. Where would you  
3       actually be heading. We're not going to man these  
4       boats with armed crewmen. There you have it.  
5       Thank you.

6               COMMANDER ENGELBERT:               Seeing no  
7       further comments, I'll put the discussion with the  
8       panel.

9               ADMIRAL HERETH:               I forgot to say our  
10      overriding goal is to get down from the migraine  
11      level to the slight irritation level. Nobody likes  
12      security, including us. We're trying to work  
13      through this just like everybody else in a sensible  
14      way. Minimize cost, let me tell you.

15              I saw our note takers over here feverishly  
16      writing notes. Good comments on the vessels. We  
17      are dealing in difficult areas. We're going to  
18      have to come up with reasonable obligations to the  
19      tug industry, circumstances where you went out and  
20      back. Where you operate a facility that is lengthy  
21      in nature, so forth. All those topics are being  
22      looked at. I think the standard, I would ask you  
23      to revisit the standards that are in the benchmark  
24      guidance, see if you are comfortable with those.  
25      If you are, communicate it to us. I don't sense

1           that from some of the discussions people have made  
2           up their minds that you probably are not going to  
3           be covered in a way that you find to be unfair, by  
4           the NVICs, and therefore by the regulations. Take  
5           a close look at those standards and see if those  
6           make you feel uncomfortable.

7           The certificates, we do expect for small  
8           passenger vessels, we do expect to review the  
9           certificate in connection with the certification of  
10          inspection. Visit by a Coast Guard member. That  
11          is a reasonable way to handle that.

12          The issue on crew fatigue or crew alertness  
13          as relates to additional duties related to  
14          security, is can be an issue and is being reviewed  
15          as an international issue in scope, and being  
16          placed on the agenda. Both ILO and IMO to revisit  
17          that issue, see if the impact of security work load  
18          has an impact on the crew fatigue or crew  
19          alertness. If you are doing too much, you can  
20          stretch the envelope too far, eventually cause some  
21          safety related problems. We don't certainly want  
22          to do that. That is a concern that is being looked  
23          at and evaluated.

24          Don't make the risk assessments too  
25          complicated. We agree 100 percent with you. I've

1       talked to my staff a couple times about having  
2       assessments, pro forma assessment guidelines for  
3       different categories of vessel. At one time that  
4       was I believe in some of the draft benchmark  
5       guidance. It was taken out because the document  
6       was getting too thick, we didn't want to overwhelm  
7       people. If there is a sense that we need to  
8       publish things like that, we would probably be  
9       willing to do that.

10               As we complete the port security  
11       assessments, overarching port security assessments  
12       it costs millions of dollars. One assessment might  
13       cost anywhere between a half million to a million  
14       dollars. They look at I think there are 1700  
15       questions on that assessment. Obviously we don't  
16       want to inundate you with that volume of  
17       information. Within that global assessment there  
18       are chunks or pieces that we could break out and  
19       categorize, it might be applicable to your specific  
20       operation, give you kind of a venue of things to  
21       pick from that might help scope down the assessment  
22       that is more tailored to your kind of operation.  
23       We will take that comment, try to do something with  
24       it.

25               There are a couple of templates out there

1       for plans, I believe. I don't know, does the  
2       vessel or facility NVICs have a template for  
3       security plan? No. A general outline for the  
4       plan. I know the port security planning guide,  
5       there is a general plan template. Templates  
6       generally are pretty helpful, we will consider  
7       that.

8               The shore leave issue, we understand the  
9       requirements. We will try to make sure that the  
10      solution there is as reasonable as possible, given  
11      the constraints we have to operate under. I guess  
12      I would ask Sue, since you've been involved in lots  
13      of international discussions, or my other staff  
14      members that are here, any comments or response to  
15      the facility plans, that issue about the property  
16      rights of facility owners? Any comments? Must be  
17      a difficult issue. I took some notes, will look at  
18      that with counsel.

19             Storing records on tug boats, Roger, we  
20      understand the space limitations there. Somebody  
21      asked a question about can facility plans cover a  
22      vessel or two, we also had some questions in New  
23      Orleans, I own five vessels that are very similar  
24      in nature, can I have one plan to cover all the  
25      vessels, have a master plan and appendices for

1 different vessels. We would expect all those  
2 arrangements, as long as they make sense, would be  
3 okay. We're heading in the direction of trying to  
4 make a variety of situations, depending on your  
5 choosing, to be acceptable to us.

6 MR. KRICK: Thank you. Just two  
7 quick items. There were a number of topics,  
8 speakers came up and spoke about the company  
9 security officer, vessel security officers. With  
10 regard to that, Maritime Administration does have a  
11 number of folks tasked with looking into this.  
12 What, if anything, needs to be developed for a  
13 curriculum, some sort of formalized plan for these  
14 individuals. To that end, I'll take back the ship  
15 board security officer fill in on the COI  
16 recommendation to them.

17 With the issue of someone mentioning that  
18 the training and impact on the smaller companies, I  
19 can tell you that the working group is in the  
20 process of working with a couple of educational  
21 institutions, to assist them in development of  
22 their programs. That is one piece of what is being  
23 done out there.

24 Lastly again with the access to and from  
25 the vessels for both the crew and visitors, we

1 recognize the fact that in some extreme instances  
2 that you do have to shut down a whole facility. We  
3 firmly believe that as a long-term solution,  
4 locking the gate and saying that it is secure  
5 because you are not going to let anyone in or out  
6 forever, is not a viable solution. We're working  
7 with the Coast Guard to assure the crew members'  
8 rights are respected in this regard.

9 COMMANDER ENGELBERT: Thank you. We  
10 have two more sections to go through, so I'm going  
11 to ask for a short break here. Then I'm going to  
12 press on. So I'm going to resume about 20 after.

13 (Recess taken.)

14 COMMANDER ENGELBERT: The next  
15 discussion is on facility security provisions.  
16 This deals with questions 24 to 32.

17 Question 24 is similar to the vessel  
18 discussion in the facility security provisions.  
19 The Coast Guard proposes to extend national, state  
20 and industry standards that could be used to meet  
21 the security requirements for facility security.

22 We ask you if there is a national, state,  
23 or industry standard that could be used to meet the  
24 security requirements for the facilities. If there  
25 was one, would you consider using it.

1           Question 25 goes to the applicability of  
2           the facility security requirements. Again, on page  
3           79745, the Coast Guard listed the proposed  
4           application of facilities requirements. It listed  
5           three proposals.

6           One, that all facilities that handle cargo  
7           regulated under 33 CFR part 126, 127 and 154 be  
8           required to meet the facility security measures.

9           Also, all facilities that service vessels  
10          certified to carry more than 150 passengers,  
11          facilities that service vessels that engage in  
12          international voyages, including the Great Lakes,  
13          would be required to meet the security measures.

14          Coast Guard is asking for your input on  
15          this proposed application. If you have any  
16          suggestions for additional measures.

17          Question 26 talks about facilities security  
18          assessments. The proposal is that these facility  
19          security assessments would be required. Then the  
20          Coast Guard would review them when the facility  
21          security plans are submitted for approval.

22          We ask if you have suggestions on how to  
23          best conduct a facility assessment, and for those  
24          facilities servicing vessels exclusively on  
25          domestic voyages, are there appropriate

1 alternatives you wish us to consider.

2 Question 27 talks about facility security  
3 plan requirements. These include three MARSEC  
4 levels, taking into account the facility security  
5 assessment as you write your security plan. There  
6 is a requirement for the plan to be reviewed and  
7 updated periodically. We ask or propose that the  
8 Coast Guard provide an outline similar to what is  
9 in 33 CFR 155, which is the facility response plan  
10 outlined as a framework.

11 The questions we ask you on this are, do  
12 you have suggestions on additional requirements  
13 that the facility security plan should address. We  
14 ask you if you have any best practices for  
15 facilities plans, and we ask you if you would find  
16 an outline for the plan valuable.

17 Question 28 goes to submission of facility  
18 plan. According to the Maritime Transportation  
19 Security Act, and also the requirements in the  
20 international law, the plans would have to be  
21 approved.

22 We are proposing that the Coast Guard  
23 approve those plans at the local level. We are  
24 also proposing that alternatives could be  
25 considered such as a company that owns and operates



1 both the facility and the vessels that call on that  
2 facility, to have potentially one plan that  
3 encompasses both operations of the system.

4 We also propose that the submission process  
5 for these facility security plans would be similar  
6 to that in 33 CFR 120.

7 We ask you if you have a suggestions to  
8 streamline the approval process for these plans.  
9 If you believe that the proposed submission format  
10 is appropriate.

11 Question 29 goes to facility security  
12 record keeping. There is a requirement that some  
13 certain security records be kept for enforcement  
14 purposes. That they be available for review. The  
15 Coast Guard proposes that those records be retained  
16 for two years. It does not however propose formats  
17 or specific placement of those records.

18 We're asking if you have suggestions or  
19 best practices for the records. We're asking if  
20 you believe we should prescribe the format for  
21 those records.

22 Question 30 talks about the facilities  
23 security officer. The requirement would be for the  
24 facility owner and operator to designate the  
25 facility security officer. Those officers would be

1 required to participate in security exercises and  
2 keep records of that participation for at least two  
3 years.

4 The Coast Guard does not propose to require  
5 course certification or license for the facility  
6 security officer at this time. It does however  
7 propose that the company would certify the facility  
8 security officer has the knowledge, experience and  
9 maritime security competency to perform the duties  
10 assigned.

11 The question we ask you from the Notice  
12 includes should the Coast Guard require formal  
13 training for this position? Is the company  
14 certification appropriate? Should the same  
15 facilities security officer be designated for  
16 multiple facilities, do you believe that that is an  
17 appropriate flexibility? Is two years of record  
18 keeping on this enough?

19 Question 31 goes to security training and  
20 drill requirement for the facility personnel.  
21 Facility personnel that has specific security  
22 duties and responsibilities would be required to be  
23 trained. Facility personnel would also be asked to  
24 participate in security drills. Facility security  
25 officer would be expected to certify that the

1 facility personnel have received the training, and  
2 records on that training and those drills would be  
3 required to be kept.

4 The questions we ask are, should the Coast  
5 Guard require formal training for facility security  
6 personnel? Should a format for training drill  
7 records be prescribed?

8 Question 32 goes to certification of  
9 facilities. As I explained previously, the Coast  
10 Guard would review and approve the facility  
11 security plan. We propose that the company certify  
12 the facility security plan is implemented and meets  
13 the requirements. That the Coast Guard during its  
14 inspection would verify that compliance.

15 We ask if you have any suggestions for  
16 verification and certification of facility security  
17 program. We ask if the Coast Guard should allow  
18 companies to certify their facilities.

19 In summary, questions 24 to 32 on facility  
20 security provisions, including incorporation by  
21 reference, application of these requirements,  
22 facility assessment and plans, their submission,  
23 certification of the facility and record keeping  
24 requirements, the facility security officer and  
25 facility personnel have training and drills, and

1 any other facility security topics you wish to  
2 discuss. The floor is now open for comment.

3 MR. BROWN: My name is Rick Brown  
4 with Passenger Vessel Association. I'm the  
5 security manager, safety and also the risk manager.

6 As different as the passenger vessel  
7 industry is with 10 different classes of vessels  
8 and several subsets of those classes, it's also  
9 true regarding the many different types of wharfs,  
10 piers and marinas where these vessels tie up. Most  
11 of our members operate in what is called a closed  
12 loop operation. Where they park at the same dock,  
13 such as dinner cruise, sightseeing, come back to  
14 that same dock. Or travel to a specific dock  
15 before returning to the original departure point,  
16 which would be ferries, water taxis and commuter  
17 vessels. Often times these are not true terminals.  
18 may be instead a ticket office in a marina or on a  
19 publicly owned wharf or pier.

20 Most state laws, especially Wisconsin,  
21 Michigan, and Ohio, designate or dictate that as  
22 public property. Access to them cannot be denied.

23 The arbitrary figure set forth in the  
24 Federal Register of 150 is not workable in the  
25 majority of our members' cases. For an example,

1       you would have a 100 passenger vessel that would  
2       not perhaps need a vessel security plan, comes into  
3       the dock with 100 passengers on board. Now you  
4       have 100 passengers waiting to get on the boat.  
5       This now goes over the 150 that was designated.

6               The other question, how will the Coast  
7       Guard certify this type of public dock? Thank you.

8               MISS RUSSELL:           Robin Trinko-Russell,  
9       Madeline Island Ferry, operating on Lake Superior.  
10      We run four ferries that carry passengers and  
11      autos.

12              Number 25, in my opinion ISPS code  
13      facilities should not apply to the Madeline Island  
14      Ferry Line or companies similar to ours. The  
15      facility we operate bears little resemblance to  
16      bulk cargo or container facilities. Any resulting  
17      facility regulations must accommodate a diversity  
18      of shore side infrastructures.

19              Number 26, it would be helpful to develop a  
20      questionnaire or template along with alternative  
21      equivalencies for facilities that need protecting.  
22      You need to differentiate between container freight  
23      in New Jersey and the UPS and Fed Ex and beer we  
24      deliver to our island.

25              27, the threshold of facilities for 150

1 passengers and above, like Rick Brown said, is a  
2 little too low.

3 28, it would be good to approve our plans  
4 through our MSO in Duluth for further review by the  
5 captain of the port. Beyond that, the review  
6 should be general in nature.

7 It would be helpful to coordinate the  
8 vessel and facilities plans for those owned by one  
9 company.

10 To reassert what has been said before,  
11 keeping the plans, the record keeping in our office  
12 would be the best. There is little room on the  
13 boats. A lot of times those things get lost.  
14 Thank you.

15 MISS STARRING: Marilyn Starring, Star  
16 of Saugatuck Boat Cruises.

17 In regard to item number 32, we feel that  
18 having a plan that has been reviewed and on file  
19 with the captain of the port would be sufficient.  
20 It would be advantageous to simplify this and rule  
21 it in with an annual vessel inspection we have in  
22 the spring prior to the beginning of our operation.

23 I also concur with the statements by Rick  
24 Brown, and Robin Trinko-Russell.

25 MR. WARD: Greg Ward,

1 Detroit-Windsor Truck Ferry. We operate a ferry  
2 service for hazardous materials vehicles between  
3 Detroit, Michigan and Windsor. I want to make a  
4 comment on the other facility topic.

5 Due to the nature of our operation we're  
6 familiar with an anomaly we would like to make you  
7 aware of. I would like to make you aware of.

8 There is a facility called the Ambassador  
9 Bridge which crosses the Detroit River between  
10 Windsor and Detroit. It is the busiest commercial  
11 crossing in North America. 30 percent of  
12 U.S./Canada trade crosses that facility each year.

13 The Federal Motor Carriers Safety  
14 Administration has hazardous material routing  
15 restrictions across that facility. However, the  
16 facility is privately owned, the owners claim they  
17 are not subject to the federal routing  
18 restrictions. The president has said on TV that  
19 law enforcement can't tell them what crosses their  
20 private facility. Also on TV the president  
21 acknowledged giving letters permitting certain  
22 companies to cross the facility with certain  
23 restricted hazardous materials.

24 A hazmat incident on this particular  
25 bridge, terrorist or otherwise, could have grave

1 impact on lives and the U.S./Canada economy. If  
2 the bridge, already identified as a potential  
3 target, terrorist target, were to fall into the  
4 Detroit River, Great Lakes navigation would be  
5 greatly affected.

6 I understand the Detroit-Windsor Truck  
7 Ferry, which transports hazardous material across a  
8 U.S. waterway is subject to the NTSA. My question  
9 to you is, will an international, privately owned  
10 critical infrastructure such as the Ambassador  
11 Bridge, which facilitates the movement of hazardous  
12 material across a U.S. waterway ever be subject to  
13 the NHTSA requirements? Who is ultimately  
14 responsible for a facility such as this, the U.S.  
15 Coast Guard, DOT or TSA?

16 I would like to suggest that such a  
17 facility of national significance be subject to  
18 NHTSA and its facility requirements. Thank you.

19 MR. LAWRENCE: Jerry Lawrence, Mercury  
20 Cruise Lines, Chicago.

21 25, application of requirements, with the  
22 NVIC 11-02 that came out last week, I'm here to  
23 support everything that was said by my fellow PBA  
24 members, Rick and Madeline.

25 We're in a closed loop. We operate from



1       downtown Chicago. I mentioned before one K, three  
2       T's. Occasionally we do a pick up at the Navy  
3       pier. The largest tourist attraction in the state  
4       of Illinois, 8 million people a year. How do we  
5       deal with that? File a separate plan, abide by the  
6       plans that are in place for the boats that normally  
7       work out of there, dock out of there?

8               My comment though, other facility security  
9       topics, it sure seems like there are three separate  
10      and distinct security issues relevant involving the  
11      waterways today. The passenger boats, ferry boats,  
12      water taxis; the deep draft boats, the lake  
13      carriers; then tugs, and tows and the shore side  
14      facilities. The feeling of having a mandate that  
15      would cover all is very frightening because we all  
16      have our special niche in the business.

17             We're operating off a municipal dock that  
18      we lease. We cannot put up control points. The  
19      City of Chicago dictated how we decorate our dock.  
20      How we egress access to the docks, to the boats,  
21      landscaping. We have no -- it's by definition in  
22      the way I read 11-02, we're a waterside facility.  
23      We can't lock that place up, day or night. What do  
24      we do? How do we, as opposed to a chemical  
25      terminal with significantly more evening problems?

1 We have night people, we have multiple night  
2 people. They have cell phones. Why do we bear the  
3 onus, why should they bear the onus of what we have  
4 to do? It sure seems like lake carriers, ferries  
5 and passenger vessels and PBA people that are here,  
6 deep draft and tows and barges have separate  
7 problems, separate interests. We can't put them  
8 all into one singular document or template. Thank  
9 you.

10 MR. PFEIFFER: Steve Pfeiffer with the  
11 Port Authority. The Port Authority pretty much in  
12 Cleveland provides the facilities for the  
13 international vessels to come to Cleveland to  
14 discharge. Although there are a number of other  
15 facilities that vessels can discharge in Cleveland,  
16 not the foreign vessels. This section here plays a  
17 lot into what we do. I'll respond in writing for  
18 the most part.

19 As far as the facility security officer,  
20 we've got a 150 acre port, international port  
21 section. I would suggest that that would be a  
22 single person, as opposed to we have a number of  
23 berths and warehouses and facilities, it's all  
24 within one perimeter, probably could -- not  
25 probably, can be taken care of by a single

1 officer. There are other ports with other  
2 facilities, single facilities, one terminal, that  
3 are bigger than the whole international port in  
4 Cleveland. I would be careful on that as to what  
5 the requirements are for how many people.

6 The other comment was this two year thing  
7 seems to be popping up a lot. I don't know where  
8 it came from. I'm just thinking that if you were  
9 doing something with cameras or whatnot, that was  
10 part of your system, maybe that would be part of  
11 the documents or material that you would want to  
12 have saved, is it reasonable to expect they are  
13 going to save two years of camera duty for an  
14 entire facility or entire port area as an example?  
15 Depending on what kind of information you are  
16 asking people to keep, two years may not be  
17 reasonable.

18 I think that is all I want to go into  
19 today. I'll do the rest in writing. Thank you.

20 COMMANDER ENGELBERT: Seeing no  
21 further comments, I'll turn the discussion over to  
22 the panel.

23 ADMIRAL HERETH: We got your comment on  
24 the closed loop systems. We heard that before. We  
25 will look at that.

1           The comment about 100 passengers on a  
2       vessel and 100 people standing by to get on is the  
3       next wave. If I understood the way it was offered  
4       up, I don't believe that that makes the threshold  
5       we have listed in our vessel benchmark guidance  
6       NVIC. If you have any questions about that, I  
7       encourage you to talk to this guy sitting right  
8       over here, he wrote the direct guidance about the  
9       applicabilities. I think some persons commenting  
10      today could benefit by spending some time asking  
11      detailed questions about your operation relative to  
12      the benchmark guidance out there we posted  
13      already. It might clear up some questions you  
14      have.

15           Although I guess I've been counseled by my  
16      staff to, I will offer this to you, please don't  
17      infer from my reaction to your comments that I can  
18      officially agree with you, or that we're taking  
19      your words for this is the way the regulation is  
20      going to read. That is the purpose of making these  
21      visits around the country, to engage with somebody,  
22      talk about their specific concerns, and note those  
23      concerns for the record so we can accumulate all  
24      that information and distill it down into a  
25      sensible body of regulations. So, I'm reacting

1 just to pretty much say we understand, we hear, we  
2 will take that under advisement.

3 Couple of comments about those vessels,  
4 those facilities not regulated, how are they  
5 covered. Again, if you are directly regulated  
6 under NHTSA as a vessel or as a facility, that is  
7 one thing. Anybody else that is not covered by  
8 that is expected to be covered by this overarching  
9 port security plan that is developed. Our captain  
10 of ports are designated, as somebody pointed out,  
11 designated port facility security officer. They  
12 are expected to convene a body of stakeholders and  
13 deal with security issues along the waterfront.  
14 It's a gamut, the range of anything along the  
15 waterfront.

16 Most of the captains of ports have done a  
17 pretty aggressive job of that since 9-11. If you  
18 are not directly regulated, then your security  
19 issues will be dealt with by the port security  
20 planning committee. They will discuss and deal  
21 with that issue, if necessary. That is a wide  
22 range of people that need to be on the committee.  
23 There are lots of different things that need to be  
24 dealt with.

25 There are many other facilities along the

1 waterfront that may have security implications to  
2 them. Whether they involve ballparks, for example,  
3 we have a ballpark in San Francisco that required  
4 us to talk about that particular issue. When Barry  
5 Bonds was hitting home run after home run, there  
6 was a congregation of RHIs that were speeding to  
7 catch the home run ball with a fishing net. It was  
8 a safety issue. We partnered up with the local law  
9 enforcement, San Francisco Police Department and  
10 the stadium owners, came up with a law enforcement  
11 prevention plan basically.

12 That is something that is unique to that  
13 zone, but there are other ballparks like right here  
14 in Cleveland that are close to the waterfront and  
15 will be dealt with accordingly. I talked to  
16 Commander Thomas on one of the breaks, he said they  
17 are engaged in that. That is happening around the  
18 country. All those unique circumstances that can't  
19 be dealt with by the set of regulations that cover  
20 the entire country, will be dealt with in that  
21 manner.

22 One of the commentators mentioned that how  
23 can you build some regs that cover passenger  
24 vessels, ferries and taxies, towing and deep draft  
25 and facilities, you can't build a set of

1 regulations that covers them all consistently. We  
2 agree. That is exactly why our guidance is divided  
3 up into several different categories right now and  
4 we expect the regulations will be along those same  
5 dimensions. Even in the vessel category for  
6 example, it won't be one size fits all. It will be  
7 tailored to address specific concerns and specific  
8 categories of the vessels.

9 For those of you operating ferries, I would  
10 recommend that you again talk to this Commander  
11 over here. There is a ferry policy letter directed  
12 to ferry operators, does have some sensitive  
13 security information in it. I recommend if you are  
14 in the ferry business, you obtain a copy of that.  
15 At least see what our thinking is in terms of ferry  
16 operations.

17 Again the standards there, from what I  
18 understand, probably would not affect the two  
19 ladies that made comments before. I would still  
20 recommend that you talk to Mike over here about  
21 that issue.

22 The two year requirement, a good comment  
23 about the video and audio. Certainly we don't want  
24 two years worth of videotapes sitting anywhere. We  
25 will certainly take that comment and run with it.

1 Again, no guarantees, sounds like a good comment to  
2 me.

3 COMMANDER ENGELBERT: The final  
4 section. I encourage you to take personal breaks.  
5 I'm going to move along. I hope that we all get  
6 dinner around seven o'clock.

7 So the final section is questions 33 to  
8 40. It's the potpourri of the Notice.

9 Starting with 33, talks about the permanent  
10 hull marking requirement. SOLAS amendments adopted  
11 in a diplomatic conference in December included a  
12 requirement under Chapter 11-1 that all SOLAS  
13 vessels place a permanent hull marking on their  
14 exterior. Basically their Lloyds number -- their  
15 IMO number, excuse me. Also in their interior.

16 The Coast Guard proposes that vessels that  
17 have been in domestic voyages not be required to  
18 meet this hull marking measure. We ask you if you  
19 believe that domestic voyages and vessels on  
20 domestic voyages be required to meet this permanent  
21 hull marking requirement.

22 In a similar manner, question 34 talks  
23 about the continuous synopsis requirement, which  
24 was also adopted in December. It applies to SOLAS  
25 vessels, requiring them to maintain a continuous



1 synopsis record.

2 The Coast Guard proposes that vessels  
3 dedicated to domestic voyages not be required to  
4 maintain this record. We're asking you if you  
5 believe that domestic voyages should or should not  
6 be required to meet this requirement.

7 Question 35 talks about security alert  
8 systems. In Chapter 11-2 regulation 6 of the new  
9 SOLAS amendments, all SOLAS vessels are required to  
10 have security alert systems. Essentially the  
11 security alert system is more like a silent bank  
12 alarm.

13 The Coast Guard is considering domestic  
14 vessels have security alerts if engaged in  
15 transportation of certain dangerous cargoes. We're  
16 also considering this security alert system may  
17 benefit other vessel operations, such as certain  
18 passenger or towing vessel operations.

19 We request your comment on the benefit  
20 these vessels engaged in transportation of certain  
21 dangerous cargoes might have with a security alert  
22 system. We ask if you believe other vessels should  
23 be required to have this alert system.

24 Question 36 talks about fixed and floating  
25 platform requirements. At the present time, the

1 port security plan would address any fixed and  
2 floating platforms in a captain of port's AOR. The  
3 Coast Guard is working with other agencies and with  
4 offshore industry on security standards for fixed  
5 and floating platforms. Is considering mandating  
6 security requirements in the future for these  
7 platforms.

8 We ask you if you believe offshore  
9 platforms should have security requirements. .

10 38 talks about seafares' identification  
11 criteria. As noted earlier the international labor  
12 organization intends to outdate the requirements  
13 for the seafarers' identification in June of this  
14 year. Also the transportation security card is  
15 under development and is addressed in the Maritime  
16 Transportation Security Act. In the interim the  
17 Coast Guard did issue a set of criteria in its  
18 Notice in August of 2002. Until the transportation  
19 security card requirement and the international  
20 work is complete, the Coast Guard proposes to  
21 continue using its criteria.

22 We ask you if the policy notice should be  
23 changed to capture any additional forms of  
24 identification or if it's sufficient.

25 Question 38 talks about advance notice of

1 arrival. Again, as mentioned earlier today, there  
2 is a notice of a proposal making advance notice of  
3 arrival. It was published in a commentary that did  
4 close.

5 The Coast Guard in its Notice explains it  
6 intends to expand the advance notice of arrival  
7 requirements to include those things in the new  
8 SOLAS amendments Chapter 11-2, regulation 9. Also  
9 it's considering requiring foreign flag vessels to  
10 report whether or not they comply with Part B of  
11 the ISPS code. In addition to the mandatory  
12 Part A, the Coast Guard is also considering  
13 extending the advanced notice of arrival  
14 requirements to certain barges operating above mile  
15 marker 235 on the Mississippi River.

16 We ask you if additional information should  
17 be provided, what would it be? Should barges above  
18 mile marker 235 give notice?

19 Question 39 talks about the foreign port  
20 assessment program. There is a requirement in  
21 Maritime Transportation Security Act for  
22 assessments of anti-terrorism measures in foreign  
23 ports.

24 The Coast Guard intends to accept foreign  
25 port compliance with SOLAS and ISPS code as its

1 initial security assessment. However, the Coast  
2 Guard also intends to establish or conduct audits  
3 to verify compliance with SOLAS in certain port  
4 facilities, foreign port facilities.

5 We ask you if approval of port facility  
6 security be contracted by contracting governments  
7 be accepted. What factors do you believe should be  
8 considered to assess the effectiveness of  
9 anti-terrorism measures at foreign ports.

10 Question 40 talks about the automatic  
11 identification system, AIS. SOLAS amendments  
12 adopted in December accelerated AIS implementation  
13 dates, as did the Maritime Transportation Security  
14 Act. There will be a separate notice of proposal,  
15 at least that is the Coast Guard's intention to  
16 publish a separate notice on AIS implementation;  
17 however, in this Notice, we ask you to discuss with  
18 us the broad requirements for AIS mentioned in the  
19 Maritime Transportation Security Act, which include  
20 commercial vessels over 65 feet, all passenger  
21 vessels, towing vessels over 26 feet, or 600 horse  
22 power and any other vessels that the secretary  
23 deems it necessary to have on board for safe  
24 navigation.

25 Therefore, we would like you to comment on

1           what other vessels should be required to have AIS,  
2           and if you believe that AIS should be waived for  
3           any specific navigable waters.

4                       Finally, in Appendix C, we give you  
5           preliminary costs for the proposals that we  
6           discussed here today, implementation of security  
7           measures throughout the nation. We ask you to  
8           comment on the cost assumptions in that appendix.  
9           Any costs that you imagine may be ensued by the  
10          MARSEC 2 or MARSEC 3 levels, any impact on small  
11          businesses, Indian tribal governments, or negative  
12          energy impacts, or bring to our consideration any  
13          other costs.

14                      In summary, questions 33 to 40, including a  
15          cost discussion includes, as you can see, these  
16          various item. I now open the floor for your  
17          comments on these topics, or any other security  
18          provision that you would like to talk about at this  
19          time.

20                      MR. HARKINS:               Rick Harkins with Lake  
21          Carriers.

22                      Regarding permanent hull markings, we agree  
23          with the Coast Guard this is not a requirement for  
24          domestic vessels. Certainly not on the Great  
25          Lakes. We don't go over the horizon and disappear,

1 calling VTSRs or VTSAs would certainly locate that  
2 vessel within minutes with pinpoint accuracy.

3 As for continuous synopsis records, we  
4 agree with the Coast Guard this is not something  
5 domestic vessels need to have.

6 Under the security alert system, we do not  
7 believe the security alert would benefit Great  
8 Lakes vessels.

9 I would like to make one closing comment,  
10 on some comments that were made previous. On the  
11 Great Lakes we don't carry radio officers, safety  
12 officers, pursers, we can't afford to compete with  
13 crew members that aren't necessary for the  
14 operation of the vessels. The captain of ports in  
15 this room are very well versed in the manning  
16 requirements for Great Lakes vessels. We all  
17 recognize the master is ultimately in charge of the  
18 vessel. In charge of the vessel security at all  
19 times. The companies appointing a CSO or VSO is  
20 certainly what we will strongly support. The  
21 security officer would be a person aboard the crew  
22 with collateral duties as we previously stated.  
23 Any suggestion that the Coast Guard modified a COI  
24 to add an additional member called a security  
25 officer will be violently opposed by Lake Carriers

1 and I'm certain all other shipping companies.

2 Thank you.

3 MISS STARRING: Marilyn Starring, Star  
4 of Saugatuck Boat Cruises.

5 33, we would like to see that the Coast  
6 Guard does not intend to impose this requirement on  
7 domestic passenger vessels.

8 34, COIs should already cover this.

9 35, security alert system would really be  
10 no particular security advantage to our vessel. We  
11 are always in sight of land and always expected  
12 back at a particular time.

13 37, we do not oppose the idea of containing  
14 information on a card for licensed mariners. We do  
15 oppose it for crew members. I.D. cards seem to be  
16 an unnecessary cost and administrative burden. I'm  
17 assuming we as the owners would absorb the cost for  
18 the cards and card readers. We only have 12  
19 employees. I think I can keep track of them pretty  
20 well. I know who they are, where they come from.

21 38, for SOLAS vessels this may be useful.  
22 For most small passenger vessels, it would not. We  
23 have a published and posted schedule that we have  
24 been operating pretty much for the last 25 years.  
25 We operate the same route, we don't have any

1 scheduled stops.

2 The automatic identification system. I  
3 feel the existing navigational devices, along with  
4 our VHF radios were carry on board are sufficient  
5 for the vessel traffic in our area, has been for  
6 numerous years. I'm sure there are ports and  
7 waterways where this type of system would be  
8 necessary to improve the traffic.

9 To give you an idea in our port, commercial  
10 traffic, there is one other 75 passenger vessel,  
11 boat, a duck, and a hand crack chain ferry that  
12 goes back and forth across the Kalamazoo River. We  
13 pretty well know where everybody is all the time  
14 we're out there. As far as everybody else, they  
15 are all pleasure boaters. When we sound five  
16 short blasts, that pretty much gets everyone's  
17 attention. We have a situation that is not going  
18 to happen. Big boat rule usually works for us.

19 MISS RUSSELL: Robin Trinko-Russell,  
20 Madeline Island Ferry in Lake Superior.

21 I would like to talk about costs. I spoke  
22 to the gentleman who worked on the costs for the  
23 security guidelines. We talked about the fact that  
24 if you buy 10 radios the first year, I mean they  
25 are going to get lost, stolen, broken. They are



1        outdated, you need the cost for replacement  
2        equipment throughout the years, not just the first  
3        time.

4                We also talked about, I spoke with him  
5        about the fact that if you have security guards,  
6        fences, motion detectors, other facility changes to  
7        enhance the security, you should build in cost to  
8        house a security guard, an office, a booth, a break  
9        room, whatever. If you have additional personnel  
10       it's going to take more space in the facility, not  
11       just the cost to pay the payroll. Also money to  
12       reconfigure operations, reorganize the parking lot  
13       and entrances. If you are a facility that  
14       currently has no security fence, you may have to  
15       reorganize your whole arrangement to put in those  
16       security guidelines, toll booths, et cetera. That  
17       is a lot more money.

18               I agree with what Marilyn said from the  
19       Saugatuck Boat Cruise about the security alert  
20       system. We're in a very rural area. We do carry  
21       gasoline, LP and diesel bulk tank trucks on a very  
22       occasional basis. Hope we should be exempt from  
23       this requirement. They are required by the island  
24       residents.

25               As to 37, seafarers identification

1 criteria, I would agree with Marilyn about added  
2 costs. Right now there are no standards in place  
3 for a TWIC system or some kind of identity card.  
4 Those readers would need to be standard. Those  
5 standards in place so that all security people or  
6 all transportation industry could participate so  
7 that the UPS driver, the Fed Ex driver, the food  
8 truck driver, the beer truck driver, fuel truck  
9 diver should all participate in the same system.  
10 These are all accessing our facilities.

11 38, we run a half hour schedule in the  
12 summer, having that notice of arrival would be too  
13 much hassle.

14 Number 40, automatic identification system.  
15 It may make sense in the larger ports but  
16 Chequamegon Bay is not one of those waterways. We  
17 see lakers every two months. It's not that busy.  
18 Right now we have VHF radio and cell phones for  
19 communication.

20 The last point was an accounting point.  
21 There are a lot of capital expenditures listed in  
22 the back of this regulation. It may mean that you  
23 have to invest 20, 30, 40, 100,000 the first year.  
24 Since they are capital expenditures, you cannot  
25 expense them. They have to be put on your

1           amortization schedule. You can only write off a  
2           certain portion a year. It will take 20, 30 years  
3           to get back that money. So the cash flow impact on  
4           a small company is very major and tough. Thank  
5           you.

6                       MR. DOYLE:               William Doyle, MPPA.  
7           The MPPA fully supports the Lake Carriers  
8           Association in regard to the COI with the vessel  
9           security officer, company security officer.

10                   As part of the presentation on cost  
11           discussion, the law would have monetary impact on  
12           the market for the lakes region and if you were to  
13           comply with the laws, with a vessel security  
14           officer, absorbing that into the company structure  
15           and the extra added duties to fully comply with the  
16           law on the lakes, there would be no need for an  
17           extra COI.

18                   MR. BROWN:               Rick Brown, Passenger  
19           Vessel Association.

20                   Item 40, the initial cost of an AIS system  
21           is \$10,000, but that is only the beginning. AIS  
22           requires a full service GPS that is not portable.  
23           All the wiring in the pilothouse has to be MEMA  
24           circa 1990 approved. Furthermore, radar is needed  
25           in order for you to read another vessel's signal.

1           There are several passenger vessels that are not  
2           required to have radar per regulation. So the cost  
3           of just \$10,000 is just the beginning. You might  
4           have to rewire and purchase other equipment.

5           The vast majority of passenger vessels  
6           operate with what we call local knowledge.  
7           Operating in very specific areas, knowing the  
8           traffic patterns and navigational territory. This  
9           is the most important. These are not going out in  
10          the shipping lanes, not going 50 miles offshore,  
11          interfering with the other deep sea or deep draft  
12          vessels.

13          AIS informational system is not collision  
14          avoidance, nor is it applicable to the vast  
15          majority of passenger vessels. Congress gave the  
16          secretary the authority to exempt individual  
17          vessels based on geographical location. We believe  
18          that the reverse is true, where all passenger  
19          vessels should be exempt and MSOs on a case by case  
20          situation may require them after a considerable  
21          risk management study. Thank you.

22                 MR. ALVEY:                 My name is Ken Alvey.  
23           I am the Boating Law Administrator for State of  
24           Ohio, also home of the Buckeyes, national champions  
25           in football. To remind everybody, bring a little

1 humor into the group.

2 We, with the Department of Natural  
3 Resources Division of Watercraft have been part of  
4 the team. I personally have been associated with  
5 the Coast Guard through my relationship with the  
6 Department of Natural Resources for 30 years,  
7 having trained, supported, partnered with the Coast  
8 Guard in security, boating safety, drug, alcohol  
9 enforcement, user conflict and traffic management  
10 over those years.

11 Along with the Coast Guard we have more  
12 than doubled our presence in the last year due to  
13 the conditions of 9-11. We're committed to being a  
14 partner in the future for homeland security. We  
15 appreciate the concerns that have been expressed  
16 concerning recreational boating and a lot of the  
17 issues they are encompassed in.

18 We do have a memorandum of understanding or  
19 agreement with the Coast Guard that is signed  
20 usually on a three or four year basis, which needs  
21 to be readdressed to deal with the homeland  
22 security issues. Particularly in areas of command  
23 control and communication, regarding homeland  
24 security and security zones and security  
25 provisions.

1           Security zones for the ports need to be  
2           considered and at some time separated, commercial  
3           from recreational, commercial from ferry service,  
4           and so forth. We know the complications in  
5           designing security zones are also an issue.

6           We have another issue in security zones,  
7           particularly around vessels. In particular in  
8           the areas of restricted navigability, such as the  
9           Ohio River or some of the inland harbors where  
10          traffic may have a security zone around it which  
11          may prohibit traffic of a recreational nature or  
12          small commercial nature from moving in and around  
13          it. It needs to be kept in mind with any security  
14          plan or zone.

15          Our presence also on the water brings  
16          another issue regarding funding and funding  
17          impact. Like all states, probably throughout the  
18          United States, we too are faced with the crucial  
19          issue of funding, funding our resources.  
20          Particularly when we put out double and triple the  
21          resources we have in the past to make sure marine  
22          navigation safety and security are picked up in  
23          lieu of the Coast Guard's sometimes limited and  
24          often redirected priorities as a result of 9-11 and  
25          homeland security.

1           We need to know that the Coast Guard will  
2           support continued issues of funding boating  
3           programs across the state for law enforcement to  
4           maintain that presence that states do provide in  
5           marine security and safety. Thank you.

6           MISS SIMARD:           Sonia Simard, with  
7           Fednav International Limited.

8           Actually a request for information  
9           clarification and it is regarding the advance  
10          notice of arrival.

11          There is a mention about whether or not we  
12          should ask the vessel to assume compliance with  
13          Part B. If I understand well, the U.S. Coast Guard  
14          is looking at making Part A and Part B mandatory,  
15          while at the international level Part B is only a  
16          recommendation, not mandatory level.

17          We will also look, you would be looking at  
18          having international certification showing  
19          compliance with Part A and B. If there are any  
20          concerns from the Coast Guard point of view that  
21          the international fleet will all be certified, most  
22          of them will be certified with Part B, that has a  
23          fair level of details, all will be able to  
24          certified by July 1st, 2004 coming into the water.  
25          Basically the impact of U.S. regulations to make

1 Part B mandatory for the international fleet,  
2 wanted to know, get the extent of the discussion in  
3 the IMO how the Coast Guard sees that being  
4 accomplished.

5 MR. PINCE: Bruce Pince,  
6 International Security Operating System. Just on  
7 other security provisions, sort of best practice  
8 that we've encountered in ISO and its variations in  
9 the automobile and other manufacturing industries.

10 It's the input/output certification that  
11 when added to the throughput certification that  
12 produces very robust systems. In the automobile  
13 businesses all the suppliers to a manufacturer are  
14 required to be certified. Everybody who picks up  
15 vehicles or components and ships them, takes them  
16 someplace also must be certified to the same  
17 standards that the manufacturer is certified.

18 I would recommend perhaps if you have not  
19 already done so, that you consider upstream,  
20 downstream certification for your suppliers and  
21 distributors against the manufacturing model. It  
22 takes a little bit of heat off the struggling  
23 ports and facilities if they can be sure that what  
24 they are getting is certified. It's easier for  
25 them to deal with their internal throughput



1 functions.

2 MISS RUSSELL: One more comment.

3 Robin Trinko-Russell, Madeline Island Ferry.

4 About 37, seafarer identification, that  
5 would be the TWIC program, Transportation Worker  
6 Identity Certification. There is the issue of  
7 seasonal employees and how fast those kind of  
8 identifications could be obtained for people who  
9 just work for summer season. We also have seasonal  
10 captains that work for our company. Where you  
11 could get those certifications? How far away would  
12 you have to travel? We're located 80 miles east of  
13 Duluth. Do we have to go to Duluth, do we have to  
14 go to Toledo to get the certification?

15 MR. ENGLISH: Jack English, U.S.  
16 Steel, representing the Waterway Association of  
17 Pittsburgh.

18 In regard to item 37, unfortunately I  
19 disagree with some of the comments made.  
20 Identification, I believe, is mandatory. It should  
21 be throughout the crewing event from anyone  
22 stepping aboard, that is a requirement for  
23 employment. Thereby you could track an employee  
24 from location having offended in one way or  
25 another, you could limit his ability to interact

1 with another facility, jeopardizing a facility.

2 I would like to include, say to include  
3 that with the recreational boater. Anyone who has  
4 a craft underway on the water. It's not industry's  
5 vessels that are going to move at high speed and  
6 bring into jeopardy a situation. It's something  
7 that is going to be modified in a pleasure craft I  
8 can foresee being a cause of harm, as has been  
9 experienced with the Cole, et cetera. These  
10 vessels, again these pleasure craft people are  
11 running around there, weekend warriors, who knows  
12 their tolerance for alcohol, who knows the  
13 vulnerability of industry. If the burden is  
14 continued to be placed on industry to be  
15 professional, no responsibility to have  
16 professionalism exercised or demanded on the  
17 pleasure boats, it's just not right. Thank you.

18 MR. PFEIFFER: Steve Pfeiffer, Port  
19 Authority. One last thought.

20 Throughout the hearing we heard a number of  
21 special cases, particular to our area. You will  
22 continue to hear that I'm sure as you go around  
23 the country. Suggestion to help with that  
24 situation, you may want to consider to use a very  
25 good resource that you have available, which is the

1 MSOs, to deal with those special -- with some  
2 overriding guidelines -- to deal with some of those  
3 local special cases that he could actually have a  
4 better knowledge of than us trying to incorporate  
5 this into all these regulations. Use that resource  
6 which is very helpful locally. I think it's a good  
7 opportunity for a lot of this to take place. Thank  
8 you.

9 COMMANDER ENGELBERT: Thank you on  
10 your comments on questions 33 to 40, including  
11 costs. I'll turn the floor over to the panel for  
12 discussion.

13 ADMIRAL HERETH: Thank you for that last  
14 comment. Our captains of the ports have done a  
15 wonderful job since 9-11. We will continue to lean  
16 on them, along with district offices. Captain  
17 Randy Helen out here has done a great job in making  
18 positive steps that have impacted the security on  
19 the Great Lakes. We're going to continue to use  
20 that system that is in place. Work it as hard as  
21 we can.

22 Just let me respond to a couple. One  
23 question about A and B, part A and B. Yes, the  
24 Unites States will implement part A and B of the  
25 ISPS code. We focused our attention on that from

1       early on in the discussion internationally. We  
2       maintained that position throughout. We intend to  
3       do that. We haven't quite worked out the details.  
4       We envision some system whereby foreign vessels  
5       making their way to the United States during the  
6       advanced notice of arrival process would advise us  
7       they comply with Part A and Part B, hold a ship  
8       security certificate. We will take that at face  
9       value, accept that just as we accept any other  
10      international certificate as in compliance with the  
11      code. Keeping in mind that we run a fairly  
12      rigorous analysis of every vessel coming our way  
13      from a port state control perspective. We have a  
14      fairly detailed risk matrix that is looked at for  
15      every vessel, every foreign vessel coming into U.S.  
16      waters. We will continue to do that. We look at  
17      both safety issues and security issues, will  
18      continue to do that until all the information is  
19      provided to us.

20               We also board a certain percentage of  
21      vessels, depending on their class and frequency of  
22      their call on the United States. Variety of other  
23      factors. We will continue to do that. Of course  
24      under the ISPS code there are plenty of control  
25      measures available to us under the international

1 code. There are also plenty of captain of the port  
2 authorities that presently exist, in either the  
3 Ports and Waterways Safety Act, or certainly now  
4 under the Marine Transportation Security Act. We  
5 have a system in place to deal with that issue. I  
6 think that will be a fairly smooth process after a  
7 very short amount of time.

8 Boating safety, the comment don't cut back  
9 on boating safety issues. That kind of causes the  
10 comment about Coast Guard other missions. What is  
11 our approach there. We're not going to cut back on  
12 anything. We're going to be resource challenged,  
13 but we have had significant increases to our  
14 budget. We intend to continue to carry out our  
15 legislatively mandated programs, pollution  
16 response, search and rescue, ports and waterways  
17 safety, waterway management, vessel traffic  
18 services, including boating safety. In fact, the  
19 Act that created the Department of Homeland  
20 Security requires the Coast Guard to go over its  
21 tactics and organization, not to change the level  
22 of resources dedicated to any of our legislative  
23 missions. We will continue to do that, keep our  
24 fingers crossed we will be able to make the  
25 resource thing happen and continue to carry out all

1           our functions successfully.

2                   MR. RYBICKI:           I would like to address  
3           the question I think that was raised by a number of  
4           people on TWIC. TWIC is a congressional mandate to  
5           TSA. I want to read this for you: The TWIC  
6           program will set the national standard for common  
7           system-wide transportation credentials that can be  
8           used across all modes, for all transportation  
9           workers, requiring unescorted physical access to  
10          secure areas of the transportation system.

11                   The comments about the beer driver, the Fed  
12          Ex driver, it would be those people as well.

13                   Currently right now TSA has kicked off two  
14          pilot projects. One in LA, Long Beach in the port  
15          community, tied into the airport. The people that  
16          drive onto the docks, the rails, working in  
17          conjunction with unions, all the stakeholders in  
18          the LA Long Beach area. We also are currently  
19          running a similar approach on the east coast at the  
20          Delaware River and the ports of Philadelphia,  
21          Camden, some private terminal operators.

22                   The question, we are going through this in  
23          a very methodical means. I don't want you to come  
24          away with the fact that we're going to require you  
25          to travel X amount of miles to get another piece of

1 I.D. to hang around your neck.

2 One of the things that we heard many times  
3 in the public and private is that like a truck  
4 driver in the State of Florida has to deliver to 11  
5 different ports, needs 11 different credentials, 11  
6 different background checks, that type of thing.  
7 We're trying to manage this as a system-wide  
8 approach with biometrics, something with a mag type  
9 or bar code, all of the different alphabet soups  
10 types of things you can put on. What it will have  
11 at the end, it may be issued by a state, a  
12 municipality, may be federal. We're not sure who  
13 is going to be actually controlling each piece of  
14 this part. It may contain a merchant mariners  
15 document. It may contain a commercial driver's  
16 license. It may contain biometrics. For  
17 locomotive engineers, people in different  
18 occupations, it may have physical, your yearly  
19 physical with these smart cards. I don't want you  
20 to come away from the meeting today thinking  
21 tomorrow you are going to be required to travel  
22 somewhere to get another piece of paper, another  
23 plastic card. We're running through this.  
24 Congress is very interested in this. They mandated  
25 that we pilot this. We're testing all sorts of

1           technology. We're asking for significant input  
2           from all concerned.

3                       That would be the mom and pop shops. The  
4           one person corporations that have to deliver or  
5           engage in the transportation arena. Everywhere in  
6           between, up to the Fed Ex driver, the beer driver  
7           and the airline pilot, the captain on board. We're  
8           covering all the bases here.

9                       Don't be afraid right now. We're working  
10          this through. You may see some news reports about  
11          it in the Delaware River and also the LA Long Beach  
12          arena as it comes through. We're taking that back,  
13          we're seeking -- we've got quite a team working on  
14          that. If you have some comments afterwards, I  
15          would be happy to talk to you. Thank you.

16                      MR. KRICK:                      I would like to thank  
17          everyone who made comments here today. We really  
18          appreciate it. Giving us new ideas, and your  
19          thoughts on the issues is the whole idea of this  
20          process. We can't develop a balanced policy and  
21          regulations without hearing your input.

22                      To that end, as the Admiral stated, even  
23          though we discussed some of your ideas that have  
24          come up here, I don't want anyone to walk away  
25          thinking there was some offer of endorsement of



1           these new ideas.

2                   We're taking all these proposals and new  
3 ideas back for consideration to develop the proper  
4 regulations for the industry.

5                   To that end, I want to address one of the  
6 things that came up in the last one, which is the  
7 opposition of the shipping companies regarding the  
8 COI, addition of a vessel security officer. That  
9 is part of the process. Your opposition is duly  
10 noted. We'll get that in there. Thank you.

11                   ADMIRAL HERETH:       Let me add my thanks to  
12 everybody. Well done. This is exactly the kind of  
13 meeting we wanted. You gave us some great comments  
14 and great thoughts.

15                   Continue to provide us your input. As you  
16 walk away from here, talk to others, give us your  
17 input. Give us your answers to these problems.  
18 It's one thing to raise a problem, express a  
19 concern. Can you also take it another step and  
20 come up with some answers, suggest how we should  
21 correct these regulations. Tell us, again you can  
22 provide that information to us by mail, fax or on  
23 the internet at the docket.

24                   The transcript from this particular hearing  
25 will be on the docket within two weeks. Likewise,

1 the other public meetings will be transcribed and  
2 put on the docket within two weeks of each meeting.

3 We will receive comments until the 28th of  
4 February, so you have some time to consider this  
5 and provide us some good input again.

6 Let me tell you what the time line is.  
7 We're going to produce an interim final rule that  
8 covers vessels, facilities and ports by the 1st of  
9 July. At that time you will still have time to  
10 comment on the interim final rule. We must publish  
11 a final rule by the 25th of November. We're on a  
12 very quick time frame, quick time line as I started  
13 out saying so. So we need your input now. We need  
14 your interest now. We certainly appreciate your  
15 comments and your time you took to come down and  
16 spend some time at this public meeting with us.  
17 Thank you very much.

18 COMMANDER ENGELBERT: The record is  
19 now closed. Thank you.

20 (Meeting concluded at 6:27 p.m.)

21 - - -  
22  
23  
24  
25

1 State of Ohio, )  
 2 County of Cuyahoga. ) SS:

C E R T I F I C A T E

This certifies that the foregoing is a true and correct transcript of the proceedings had before the Department of Transportation, United States Coast Guard, in Cleveland, Ohio on Thursday, January 30, 2003, commencing at 2:00 p.m.

In Re:

Maritime Security Notice




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Constance Versagi  
 Court Reporter

FINCUN-MANCINI COURT REPORTERS  
 1801 East Ninth Street  
 Suite 1720  
 Cleveland, Ohio 44114  
 (216) 696-2272  
 (216) 696-2275 FAX